

Calendar No. 750

107TH CONGRESS
2^D SESSION**S. 2969****[Report No. 107-337]**

To provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 2002

Mr. KENNEDY (for himself and Mr. GREGG) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

NOVEMBER 12, 2002

Reported by Mr. KENNEDY, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]**A BILL**

To provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. TABLE OF CONTENTS.**

4 The table of contents for this Act is as follows:

See: 1. Table of contents.

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~~Sec. 206. Authorization of appropriations.~~

~~Sec. 303. Authorization of appropriations.~~

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those terms in section 1121(e) of such Act (20 U.S.C. 6331(e)).

(2) ~~APPLIED RESEARCH.~~—The term “applied research” means research—

(A) to gain knowledge or understanding necessary for determining the means by which a recognized and specific need may be met; and

(B) that is specifically directed to the advancement of practice in the field of education.

(3) ~~BASIC RESEARCH.~~—The term “basic research” means research—

(A) to gain fundamental knowledge or understanding of phenomena and observable facts, without specific application toward processes or products; and

(B) for the advancement of knowledge in the field of education.

(4) ~~BOARD.~~—The term “Board” means the National Board for Education Sciences established under section 116.

(5) ~~DEPARTMENT.~~—The term “Department” means the Department of Education.

(6) ~~DEVELOPMENT.~~—The term “development” means the systematic use of knowledge or understanding gained from the findings of scientifically

1 valid research and the shaping of that knowledge or
 2 understanding into products or processes that can be
 3 applied and evaluated and may prove useful in areas
 4 such as the preparation of materials and new meth-
 5 ods of instruction and practices in teaching, that
 6 lead to the improvement of the academic skills of
 7 students, and that are replicable in different edu-
 8 cational settings.

9 (7) DIRECTOR.—The term “Director” means
 10 the Director of the Institute for Education Sciences.

11 (8) DISSEMINATION.—The term
 12 “dissemination” means the communication and
 13 transfer of the results of scientifically valid research,
 14 statistics, and evaluations, in forms that are under-
 15 standable, easily accessible, and usable, or adaptable
 16 for use in, the improvement of educational practice
 17 by teachers, administrators, librarians, other practi-
 18 tioners, researchers, parents, policymakers, and the
 19 public, through publications, electronic transfer, and
 20 other means.

21 (9) FIELD-INITIATED RESEARCH.—The term
 22 “field-initiated research” means basic research or
 23 applied research in which specific questions and
 24 methods of study are generated by investigators

1 (including teachers and other practitioners) and that
 2 conforms to standards of scientifically valid research.

3 ~~(10) HISTORICALLY BLACK COLLEGE OR UNI-~~
 4 ~~VERSITY.—~~The term “historically Black college or
 5 university” means a part B institution as defined in
 6 section 322 of the Higher Education Act of 1965
 7 ~~(20 U.S.C. 1061).~~

8 ~~(11) INSTITUTE.—~~The term “Institute” means
 9 the Institute for Education Sciences established
 10 under section 111.

11 ~~(12) INSTITUTION OF HIGHER EDUCATION.—~~
 12 The term “institution of higher education” has the
 13 meaning given that term in section 101(a) of the
 14 Higher Education Act of 1965 ~~(20 U.S.C. 1001(a)).~~

15 ~~(13) NATIONAL RESEARCH AND DEVELOPMENT~~
 16 ~~CENTER.—~~The term “National Research and Devel-
 17 opment Center” means a research and development
 18 center supported under section 133(e).

19 ~~(14) SCIENTIFICALLY BASED RESEARCH~~
 20 ~~STANDARDS.—~~(A) The term “scientifically based re-
 21 search standards” means research standards that—

22 (i) apply rigorous, systematic, and objec-
 23 tive methodology to obtain reliable and valid
 24 knowledge relevant to education activities and
 25 programs; and

1 (ii) present findings and make claims that
 2 are appropriate to and supported by the meth-
 3 ods that have been employed.

4 (B) The term includes, appropriate to the re-
 5 search being conducted—

6 (i) employing systematic, empirical meth-
 7 ods that draw on observation or experiment;

8 (ii) involving data analyses that are ade-
 9 quate to support the general findings;

10 (iii) relying on measurements or observa-
 11 tional methods that provide reliable data;

12 (iv) making claims of causal relationships
 13 only in random assignment experiments or
 14 other designs (to the extent such designs sub-
 15 stantially eliminate plausible competing expla-
 16 nations for the obtained results);

17 (v) ensuring that studies and methods are
 18 presented in sufficient detail and clarity to
 19 allow for replication or, at a minimum, to offer
 20 the opportunity to build systematically on the
 21 findings of the research;

22 (vi) obtaining acceptance by a peer-re-
 23 viewed journal or approval by a panel of inde-
 24 pendent experts through a comparably rigorous,
 25 objective, and scientific review; and

1 (vii) using research designs and methods
2 appropriate to the research question posed.

3 ~~(15) SCIENTIFICALLY VALID EDUCATION EVAL-~~
4 ~~UATION.~~—The term “scientifically valid education
5 evaluation” means an evaluation that—

6 (A) adheres to the highest possible stand-
7 ards of quality with respect to research design
8 and statistical analysis;

9 (B) provides an adequate description of the
10 programs evaluated and, to the extent possible,
11 examines the relationship between program im-
12 plementation and program impacts;

13 (C) provides an analysis of the results
14 achieved by the program with respect to its pro-
15 jected effects;

16 (D) employs experimental designs using
17 random assignment, when feasible, and other
18 research methodologies that allow for the
19 strongest possible causal inferences when ran-
20 dom assignment is not feasible; and

21 (E) may study program implementation
22 through a combination of scientifically valid and
23 reliable methods.

24 ~~(16) SCIENTIFICALLY VALID RESEARCH.~~—The
25 term “scientifically valid research” includes applied

research and basic research in which the rationale, design, and interpretation are soundly developed in accordance with scientifically based research standards.

(17) SECRETARY.—The term “Secretary” means the Secretary of Education.

(18) STATE.—The term “State” includes (except as provided in section 158) each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the freely associated states, and the outlying areas.

(19) TECHNICAL ASSISTANCE.—The term “technical assistance” means—

(A) assistance in identifying, selecting, or designing solutions based on scientifically valid research, including professional development and high quality training to implement solutions leading to—

(i) improved practices and classroom instruction; and

(ii) improved planning, design, and administration of programs;

(B) assistance in interpreting, analyzing, and utilizing statistics and evaluations; and

(C) other assistance necessary to encourage the improvement of teaching and learning through the applications of techniques supported by scientifically valid research.

PART A—INSTITUTE FOR EDUCATION SCIENCES

SEC. 111. ESTABLISHMENT.

(a) ESTABLISHMENT.—There shall be in the Department an Institute for Education Sciences, to be administered by a Director (as described in section 114) and a board of directors (as described in section 116).

(b) MISSION.—

(1) IN GENERAL.—The mission of the Institute is to provide national leadership in expanding fundamental knowledge and understanding of education from early childhood through postsecondary study, in order to provide parents, educators, students, researchers, policymakers, and the general public with reliable information about—

(A) the condition and progress of education in the United States;

(B) educational practices that support learning and improve academic achievement and educational equity for all students; and

1 (C) the effectiveness of Federal and other
2 education programs.

3 ~~(2) CARRYING OUT MISSION.—~~In carrying out
4 the mission described in paragraph (1), the Institute
5 shall compile statistics, develop products, and con-
6 duct research, evaluations, and dissemination activi-
7 ties in areas of demonstrated national need
8 (including in technology areas) that are supported
9 by Federal funds appropriated to the Institute and
10 ensure that such activities—

11 (A) conform to high standards of quality,
12 integrity, and accuracy; and

13 (B) are objective, secular, neutral, and
14 nonideological and are free of partisan political
15 influence and racial, cultural, gender, or re-
16 gional bias.

17 ~~(c) ORGANIZATION.—~~The Institute shall consist of
18 the following:

19 (1) The Office of the Director (as described in
20 section 114).

21 ~~(2) The National Board for Education Sciences~~
22 ~~(as described in section 116).~~

23 ~~(3) The Office of Knowledge Utilization (as de-~~
24 ~~scribed in section 118).~~

1 (4) The National Education Centers, which in-
2 clude—

3 (A) the National Center for Education Re-
4 search (as described in part B);

5 (B) the National Center for Education
6 Statistics (as described in part C); and

7 (C) the National Center for Education
8 Evaluation (as described in part D).

9 **SEC. 112. FUNCTIONS.**

10 From funds appropriated under section 191, the In-
11 stitute, directly or through grants, contracts, or coopera-
12 tive agreements, shall—

13 (1) conduct and support scientifically valid re-
14 search activities, including basic research and ap-
15 plied research, statistics activities, scientifically valid
16 education evaluation, development, and dissemina-
17 tion;

18 (2) disseminate the findings and results of sci-
19 entifically valid research in education;

20 (3) promote the use and application of knowl-
21 edge gained from scientifically valid research activi-
22 ties;

23 (4) strengthen the national capacity to conduct
24 scientifically valid research in education; and

1 (5) promote the coordination of scientifically
 2 valid research in education within the Department
 3 and the Federal Government.

4 **SEC. 113. DELEGATION.**

5 (a) DELEGATION OF AUTHORITY.—Notwithstanding
 6 section 412 of the Department of Education Organization
 7 Act (20 U.S.C. 3472), the Secretary shall delegate to the
 8 Director all functions for carrying out this title (other
 9 than administrative and support functions), except that—

10 (1) nothing in this title or in the National As-
 11 sessment of Educational Progress Authorization Act
 12 shall be construed to alter or diminish the role, re-
 13 sponsibilities, or authority of the National Assess-
 14 ment Governing Board with respect to the National
 15 Assessment of Educational Progress from those au-
 16 thorized by the National Education Statistics Act of
 17 1994 on the day before the date of enactment of this
 18 Act;

19 (2) members of the National Assessment Gov-
 20 erning Board shall continue to be appointed by the
 21 Secretary;

22 (3) section 302(f)(1) of the National Assess-
 23 ment of Educational Progress Authorization Act
 24 shall apply to the National Assessment Governing

1 Board in the exercise of its responsibilities under
2 this Act;

3 (4) sections 115 and 116 shall not apply to the
4 National Assessment of Educational Progress; and

5 (5) sections 115 and 116 shall not apply to the
6 National Assessment Governing Board.

7 (b) OTHER ACTIVITIES.—The Secretary may assign
8 the Institute responsibility for administering other activi-
9 ties, if those activities are consistent with—

10 (1) the Institute's priorities, as approved by the
11 National Board for Education Sciences under sec-
12 tion 115, and the Institute's mission, as described in
13 section 111(b); or

14 (2) the Institute's mission, but only if those ac-
15 tivities do not divert the Institute's focus from ac-
16 tivities that are consistent with its priorities and
17 mission.

18 **SEC. 114. OFFICE OF THE DIRECTOR.**

19 (a) APPOINTMENT.—Except as provided in sub-
20 section (b)(2), the President, with the advice and consent
21 of the Senate, shall appoint the Director of the Institute.

22 (b) TERM.—

23 (1) IN GENERAL.—The Director shall serve for
24 a term of 6 years, beginning on the date of appoint-

1 ment of the Director, but may be removed by the
2 President prior to the expiration of that term.

3 ~~(2) FIRST DIRECTOR.~~—The President, without
4 the advice and consent of the Senate, may appoint
5 the Assistant Secretary for the Office of Educational
6 Research and Improvement (as such office existed
7 on the day before the date of enactment of this Act)
8 to serve as the first Director of the Institute.

9 ~~(3) SUBSEQUENT DIRECTORS.~~—The Board may
10 make recommendations to the President with respect
11 to the appointment of a Director under subsection
12 ~~(a)~~, other than a Director appointed under para-
13 graph ~~(2)~~.

14 ~~(c) PAY.~~—The Director shall receive the rate of basic
15 pay for level III of the Executive Schedule.

16 ~~(d) QUALIFICATIONS.~~—The Director shall be selected
17 from individuals who are highly qualified authorities in the
18 fields of scientifically valid research, statistics, or evalua-
19 tion in education, as well as management within such
20 areas, and have a demonstrated capacity for sustained
21 productivity and leadership in these areas.

22 ~~(e) ADMINISTRATION.~~—The Director shall—

23 ~~(1)~~ administer, oversee, and coordinate the ac-
24 tivities carried out under the Institute; and

1 (2) coordinate and approve budgets and oper-
 2 ating plans for each of the National Education Cen-
 3 ters for submission to the Secretary.

4 (f) DUTIES.—The duties of the Director shall include
 5 the following:

6 (1) To propose to the Board priorities for the
 7 Institute, in accordance with section 115(a).

8 (2) To ensure the methodology applied in con-
 9 ducting research, evaluation, and statistical analysis
 10 is consistent with the standards for such activities
 11 under this title.

12 (3) To coordinate education research and re-
 13 lated activities carried out by the Institute with such
 14 research and activities carried out by other agencies
 15 within the Department and the Federal Government.

16 (4) To advise the Secretary on research, evalua-
 17 tion, and statistics activities relevant to the activities
 18 of the Department.

19 (5) To establish necessary procedures for tech-
 20 nical and scientific peer review of the activities of
 21 the Institute, consistent with section 116(b)(3).

22 (6) To ensure that all participants in research
 23 conducted or supported by the Institute are afforded
 24 their privacy rights and other relevant protections as
 25 research subjects, in accordance with section 182 of

1 this title, section 552a of title 5, United States
2 Code, and sections 444 and 445 of the General Edu-
3 cation Provisions Act (20 U.S.C. 1232g, 1232h).

4 (7) To ensure that activities conducted or sup-
5 ported by the Institute are objective, secular, neu-
6 tral, and nonideological and are free of partisan po-
7 litical influence and racial, cultural, gender, or re-
8 gional bias.

9 (8) To undertake initiatives and programs to
10 increase the participation of researchers and institu-
11 tions that have been historically underutilized in
12 Federal education research activities of the Institute,
13 including historically Black colleges or universities or
14 other institutions of higher education with large
15 numbers of minority students.

16 (9) To coordinate with the Secretary to promote
17 and provide for the coordination of research and de-
18 velopment activities and technical assistance activi-
19 ties between the Institute and regional education
20 laboratories and comprehensive centers.

21 (10) To solicit and consider the recommenda-
22 tions of education stakeholders, in order to ensure
23 that there is broad and regular public and profes-
24 sional input from the educational field in the plan-
25 ning and carrying out of the Institute's activities.

1 ~~(11)~~ To coordinate the dissemination of infor-
 2 mation on scientifically valid research.

3 ~~(12)~~ At the discretion of the Director and in
 4 consultation with the National Academy of Sciences,
 5 to conduct a study to determine—

6 (A) a standard by which States may accu-
 7 rately measure the rate at which students drop
 8 out of or graduate from secondary schools in
 9 the United States (including on-time gradua-
 10 tion); and

11 (B) the use of alcohol or illegal narcotics
 12 as contributing factors to incidents of school vi-
 13 olence committed by students during the reg-
 14 ular school day and while participating in other
 15 school-related activities.

16 ~~(13)~~ To carry out and support other activities
 17 consistent with the priorities and mission of the In-
 18 stitute.

19 ~~(g)~~ EXPERT GUIDANCE AND ASSISTANCE.—The Di-
 20 rector may establish technical and scientific peer-review
 21 groups and scientific program advisory committees for re-
 22 search and evaluations that the Director determines are
 23 necessary to carry out the requirements of this title. The
 24 Director shall appoint such personnel, except that officers
 25 and employees of the United States shall comprise no

1 more than one-fourth of the members of any such group
 2 or committee and shall not receive additional compensa-
 3 tion for their service as members of such a group or com-
 4 mittee. The Director shall ensure that reviewers are highly
 5 qualified and capable to appraise education research and
 6 development projects. The Federal Advisory Committee
 7 Act (5 U.S.C. App.) shall not apply to a peer-review group
 8 or an advisory committee established under this sub-
 9 section.

10 (h) REVIEW.—The Director may, when requested by
 11 other officers of the Department or directed by the Sec-
 12 retary, review the products and publications of other of-
 13 fices of the Department to certify that evidence-based
 14 claims about those products and publications are scientif-
 15 ically valid.

16 **SEC. 115. PRIORITIES.**

17 (a) PROPOSAL.—The Director shall propose to the
 18 Board priorities for the Institute (taking into consider-
 19 ation long-term research and development on core issues
 20 conducted through the national research and development
 21 centers (as defined in section 102)). The Director shall
 22 identify topics that may require long-term research and
 23 topics that are focused on understanding and solving par-
 24 ticular education problems and issues, including those as-
 25 sociated with the goals and requirements established in

1 the Elementary and Secondary Education Act of 1965 (20
 2 U.S.C. 6301 et seq.) and the Higher Education Act of
 3 1965 (20 U.S.C. 1001 et seq.); such as—

4 (1) closing the achievement gap between high-
 5 performing and low-performing children, especially
 6 achievement gaps between minority and nonminority
 7 children and between socio-economically disadvan-
 8 tagged children and such children's more advantaged
 9 peers; and

10 (2) ensuring—

11 (A) that all children have the ability to ob-
 12 tain a high quality education and reach, at a
 13 minimum, proficiency on challenging State aca-
 14 demic achievement standards and State aca-
 15 demic assessments, particularly in mathematics,
 16 science, and reading or language arts; and

17 (B) educational access to, and opportuni-
 18 ties for, postsecondary education.

19 (b) APPROVAL.—The Board shall approve or dis-
 20 approve the priorities for the Institute proposed by the Di-
 21 rector, including any necessary revision of those priorities.
 22 The Board shall transmit any priorities so approved to
 23 the appropriate congressional committees.

24 (c) CONSISTENCY.—The Board shall ensure that pri-
 25 orities of the Institute and the National Center for Edu-

1 eation Research and the National Center for Education
 2 Evaluation are consistent with the mission of the Insti-
 3 tute.

4 ~~(d) PUBLIC AVAILABILITY AND COMMENT.—~~

5 ~~(1) PRIORITIES.—~~Before submitting to the
 6 Board proposed priorities for the Institute, the Di-
 7 rector shall make such priorities available to the
 8 public for comment (including by means of the
 9 Internet and through publishing such priorities in
 10 the Federal Register). The Director shall provide to
 11 the Board a copy of each such comment submitted.

12 ~~(2) PLAN.—~~Upon approval of such priorities,
 13 the Director shall make the Institute's plan for ad-
 14 dressing such priorities available for public comment
 15 in the same manner as under paragraph ~~(1)~~.

16 **SEC. 116. NATIONAL BOARD FOR EDUCATION SCIENCES.**

17 ~~(a) ESTABLISHMENT.—~~The Institute shall have a
 18 board of directors, which shall be known as the National
 19 Board for Education Sciences.

20 ~~(b) DUTIES.—~~The duties of the Board shall be the
 21 following:

22 ~~(1)~~ To advise and collaborate with the Director
 23 on the policies of the Institute.

1 (2) To consider and approve priorities proposed
2 by the Director under section 115 to guide the work
3 of the Institute.

4 (3) To review and approve procedures for tech-
5 nical and scientific peer review of the activities of
6 the Institute.

7 (4) To advise the Director on the establishment
8 of activities to be supported by the Institute, includ-
9 ing the general areas of research to be carried out
10 by the National Center for Education Research.

11 (5) To present to the Director such rec-
12 ommendations as it may find appropriate for—

13 (A) the strengthening of education re-
14 search; and

15 (B) the funding of the Institute.

16 (6) To advise the Director on the funding of
17 applications for grants, contracts, and cooperative
18 agreements for research, after the completion of peer
19 review.

20 (7) To review and regularly evaluate the work
21 of the Institute, to ensure that scientifically valid re-
22 search, evaluation, and statistical analysis are con-
23 sistent with the standards for such activities under
24 this title.

1 (8) To advise the Director on ensuring that ac-
 2 tivities conducted or supported by the Institute are
 3 objective, secular, neutral, and nonideological and
 4 are free of partisan political influence and racial,
 5 cultural, gender, or regional bias.

6 (9) To solicit advice and information from those
 7 in the educational field, particularly practitioners
 8 and researchers, to recommend to the Director top-
 9 ics that require long-term, sustained, systematic,
 10 programmatic, and integrated research efforts, in-
 11 cluding knowledge utilization and wide dissemination
 12 of research, consistent with the priorities and mis-
 13 sion of the Institute.

14 (10) To advise the Director on opportunities for
 15 the participation in, and the advancement of,
 16 women, minorities, and persons with disabilities in
 17 education research, statistics, and evaluation activi-
 18 ties of the Institute.

19 (11) To recommend to the Director ways to en-
 20 hance strategic partnerships and collaborative efforts
 21 among other Federal and State research agencies.

22 (12) To recommend to the Director individuals
 23 to serve as Commissioners of the National Edu-
 24 cation Centers.

25 (c) COMPOSITION.—

1 (1) VOTING MEMBERS.—The Board shall have
2 15 voting members appointed by the President, with
3 the advice and consent of the Senate.

4 (2) ADVICE.—The President shall solicit advice
5 regarding individuals to serve on the Board from the
6 National Academy of Sciences, the National Science
7 Board, and the National Science Advisor.

8 (3) NONVOTING EX OFFICIO MEMBERS.—The
9 Board shall have the following nonvoting ex officio
10 members:

11 (A) The Director of the Institute for Edu-
12 cation Sciences.

13 (B) Each of the Commissioners of the Na-
14 tional Education Centers.

15 (C) The Director of the National Institute
16 of Child Health and Human Development.

17 (D) The Director of the Census.

18 (E) The Commissioner of Labor Statistics.

19 (F) The Director of the National Science
20 Foundation.

21 (4) APPOINTED MEMBERSHIP.—

22 (A) QUALIFICATIONS.—Members ap-
23 pointed under paragraph (1) shall be highly
24 qualified to appraise education research, statis-

ties, evaluations, or development, and shall include the following individuals:

(i) Not fewer than 8 researchers in the field of statistics, evaluation, social sciences, or hard sciences, which may include those researchers recommended by the National Academy of Sciences.

(ii) Individuals who are knowledgeable about the educational needs of the United States, who may include school-based professional educators, parents with experience in promoting parental involvement in education, Chief State School Officers, State postsecondary education executives, presidents of institutions of higher education, local educational agency superintendents, early childhood experts, principals, members of State or local boards of education or Bureau-funded school boards, and individuals from business and industry with experience in promoting private sector involvement in education.

(B) TERMS.—Each member appointed under paragraph (1) shall serve for a term of 4 years, except that—

(i) the terms of the initial members appointed under such paragraph shall (as determined by a random selection process at the time of appointment) be for staggered terms of—

(I) 4 years for each of 5 members;

(II) 3 years for each of 5 members; and

(III) 2 years for each of 5 members; and

(ii) no member appointed under such paragraph shall serve for more than 2 consecutive terms.

(C) UNEXPIRED TERMS.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

(D) CONFLICT OF INTEREST.—A voting member of the Board shall be considered a special Government employee for the purposes of the Ethics in Government Act of 1978.

(5) CHAIR.—The Board shall elect a chair from among the members of the Board.

1 (6) COMPENSATION.—Members of the Board
 2 shall serve without pay for such service. Members of
 3 the Board who are officers or employees of the
 4 United States may not receive additional pay, allow-
 5 ances, or benefits by reason of their service on the
 6 Board.

7 (7) TRAVEL EXPENSES.—The members of the
 8 Board shall receive travel expenses, including per
 9 diem in lieu of subsistence, in accordance with sub-
 10 chapter I of chapter 57 of title 5, United States
 11 Code.

12 (8) POWERS OF THE BOARD.—

13 (A) EXECUTIVE DIRECTOR.—The Board
 14 shall have an Executive Director who shall be
 15 appointed by the Board.

16 (B) ADDITIONAL STAFF.—The Board shall
 17 utilize such additional staff as may be ap-
 18 pointed or assigned by the Executive Director,
 19 in consultation with the Chair and the approval
 20 of the Director.

21 (C) DETAIL OF PERSONNEL.—The Board
 22 may use the services and facilities of any de-
 23 partment or agency of the Federal Government.
 24 Upon the request of the Board, the head of any
 25 Federal department or agency may detail any

of the personnel of that department or agency to the Board to assist the Board in carrying out this Act.

(D) CONTRACTS.—The Board may enter into contracts or make other arrangements as may be necessary to carry out its functions.

(E) INFORMATION.—The Board may, to the extent otherwise permitted by law, obtain directly from any executive department or agency of the Federal Government such information as the Board determines necessary to carry out its functions.

(9) MEETINGS.—The Board shall meet not less than 2 times each year. The Board shall hold additional meetings at the call of the chair or upon the written request of at least 6 voting members of the Board.

(10) QUORUM.—A majority of the voting members of the Board serving at the time of the meeting shall constitute a quorum.

(d) STANDING COMMITTEES.—

(1) ESTABLISHMENT.—The Board may establish standing committees—

(A) that will each serve 1 of the National Education Centers; and

1 ~~(B) to advise, consult with, and make rec-~~
 2 ~~ommendations to the Director and the Commis-~~
 3 ~~sioner of the appropriate National Education~~
 4 ~~Centers.~~

5 ~~(2) MEMBERSHIP.—~~A majority of the members
 6 ~~of each standing committee shall be voting members~~
 7 ~~of the Board whose expertise is needed for the func-~~
 8 ~~tioning of the committee. In addition, the member-~~
 9 ~~ship of each standing committee may include, as ap-~~
 10 ~~propriate—~~

11 ~~(A) experts and scientists in research, sta-~~
 12 ~~tistics, evaluation, or development who are rec-~~
 13 ~~ognized in their discipline as highly qualified to~~
 14 ~~represent such discipline and who are not mem-~~
 15 ~~bers of the Board, but who may have been rec-~~
 16 ~~ommended by the Commissioner of the appro-~~
 17 ~~priate National Education Center and approved~~
 18 ~~by the Board;~~

19 ~~(B) ex officio members of the Board; and~~

20 ~~(C) policymakers and expert practitioners~~
 21 ~~with knowledge of, and experience using, the re-~~
 22 ~~sults of research, evaluation, and statistics who~~
 23 ~~are not members of the Board, but who may~~
 24 ~~have been recommended by the Commissioner~~

1 of the appropriate National Education Center
 2 and approved by the Board.

3 ~~(3) DUTIES.~~—Each standing committee shall—

4 (A) review and comment, at the discretion
 5 of the Board or the standing committee, on any
 6 grant, contract, or cooperative agreement en-
 7 tered into (or proposed to be entered into) by
 8 the applicable National Education Center;

9 (B) prepare for, and submit to, the Board
 10 an annual evaluation of the operations of the
 11 applicable National Education Center;

12 (C) review and comment on the relevant
 13 plan for activities to be undertaken by the ap-
 14 plicable National Education Center for each fis-
 15 cal year; and

16 (D) report periodically to the Board re-
 17 garding the activities of the committee and the
 18 applicable National Education Center.

19 (e) ANNUAL REPORT.—The Board shall submit to
 20 the Director, the Secretary, and the appropriate congres-
 21 sional committees, not later than July 1 of each year, a
 22 report that assesses the effectiveness of the Institute in
 23 carrying out its priorities and mission, especially as such
 24 priorities and mission relate to carrying out scientifically

1 valid research, conducting unbiased evaluations, and col-
 2 lecting and reporting accurate education statistics.

3 (f) **RECOMMENDATIONS.**—The Board shall submit to
 4 the Director, the Secretary, and the appropriate congres-
 5 sional committees a report that includes any recommenda-
 6 tions regarding any actions that may be taken to enhance
 7 the ability of the Institute to carry out its priorities and
 8 mission. The Board shall submit an interim report not
 9 later than 3 years after the date of enactment of this Act
 10 and a final report not later than 5 years after such date
 11 of enactment.

12 **SEC. 117. COMMISSIONERS OF THE NATIONAL EDUCATION**
 13 **CENTERS.**

14 (a) **APPOINTMENT OF COMMISSIONERS.**—

15 (1) **IN GENERAL.**—Except as provided in sub-
 16 section (b), each of the National Education Centers
 17 shall be headed by a Commissioner appointed by the
 18 Director. In appointing Commissioners, the Director
 19 shall seek to promote continuity in leadership of the
 20 National Education Centers and shall consider indi-
 21 viduals recommended by the Board. The Director
 22 may appoint a Commissioner to carry out the func-
 23 tions of a National Education Center without regard
 24 to the provisions of title 5, United States Code, gov-
 25 erning appointments in the competitive service, and

1 the provisions of chapter 51 and subchapter III of
 2 chapter 53 of such title relating to classification and
 3 General Schedule pay rates.

4 (2) PAY AND QUALIFICATIONS.—Except as pro-
 5 vided in subsection (b), each Commissioner shall—

6 (A) receive the rate of basic pay for level
 7 IV of the Executive Schedule; and

8 (B) be highly qualified in the field of edu-
 9 cation research or evaluation.

10 (3) SERVICE AND REMOVAL.—Except as pro-
 11 vided in subsection (b), each Commissioner shall re-
 12 port to the Director and may be removed by the Di-
 13 rector. A Commissioner shall serve for a period of
 14 not more than 6 years, except that a Commis-
 15 sioner—

16 (A) may be reappointed by the Director;
 17 and

18 (B) may serve after the expiration of that
 19 Commissioner's term, until a successor has
 20 been appointed, for a period not to exceed one
 21 additional year.

22 (b) APPOINTMENT OF COMMISSIONER FOR EDU-
 23 CATION STATISTICS.—The National Center for Education
 24 Statistics shall be headed by a Commissioner for Edu-
 25 cation Statistics who shall be appointed by the President,

1 by and with the advice and consent of the Senate, and
 2 who shall—

3 (1) have substantial knowledge of programs as-
 4 sisted by the National Center for Education Statis-
 5 tics;

6 (2) be paid in accordance with section 5315 of
 7 title 5, United States Code; and

8 (3) serve for a term of 6 years, with the term
 9 to expire every sixth June 21, beginning in 2003.

10 **SEC. 118. OFFICE OF KNOWLEDGE UTILIZATION.**

11 (a) **ESTABLISHMENT.**—There is established within
 12 the Institute an Office of Knowledge Utilization.

13 (b) **DUTIES.**—The Office of Knowledge Utilization
 14 shall—

15 (1) disseminate information on scientifically
 16 valid research, statistics, and evaluation on edu-
 17 cation—

18 (A) especially to State educational agencies
 19 and local educational agencies;

20 (B) to institutions of higher education; and

21 (C) to the public, the media, voluntary or-
 22 ganizations, and other constituencies;

23 (2) manage the National Library of Education
 24 described in subsection (f), and other sources of dig-
 25 ital information on education research; and

1 (3) make such information accessible in a user-
 2 friendly, timely, and efficient manner (including
 3 through use of a searchable Internet web-based on-
 4 line database) to schools, institutions of higher edu-
 5 cation, educators, parents, administrators, policy-
 6 makers, researchers, public and private entities, enti-
 7 ties responsible for carrying out technical assistance
 8 through the Department, and the general public.

9 (c) **ADDITIONAL DUTIES.**—In carrying out sub-
 10 section (b), the Office of Knowledge Utilization shall—

11 (1) ensure that information disseminated under
 12 this section is provided in a cost-effective, non-
 13 duplicative manner that includes the most current
 14 research findings, including through the continu-
 15 ation of individual clearinghouses authorized under
 16 the Educational Research, Development, Dissemina-
 17 tion, and Improvement Act of 1994 (20 U.S.C. 6001
 18 et seq.) (as such Act was in effect on the day before
 19 the date of enactment of this Act);

20 (2) describe prominently the type of scientific
 21 evidence that is used to support the findings that
 22 are disseminated;

23 (3) explain clearly the scientifically appropriate
 24 and inappropriate uses of—

25 (A) the findings that are disseminated; and

1 (B) the types of evidence used to support
2 those findings; and

3 (4) respond, as appropriate, to inquiries from
4 schools, educators, parents, administrators, policy-
5 makers, researchers, public and private entities, and
6 entities responsible for carrying out technical assist-
7 ance.

8 (d) CLEARINGHOUSES.—

9 (1) SCHOOL FACILITIES CLEARINGHOUSE.—

10 (A) IN GENERAL.—The Secretary shall
11 award a grant or contract to an entity, on a
12 competitive basis, to create and maintain a
13 clearinghouse that will collect and disseminate
14 information on effective, best educational prac-
15 tices and the latest research studies regarding
16 kindergarten through grade 12 school facilities
17 planning, design, financing, construction, oper-
18 ations, and maintenance.

19 (B) DURATION.—The grant or contract
20 awarded under subparagraph (A) shall be for a
21 period of 5 years.

22 (C) AUTHORIZATION OF APPROPRIA-
23 TIONS.—There are authorized to be appro-
24 priated to carry out this paragraph \$1,500,000
25 for fiscal year 2003, and such sums as may be

1 necessary for each of the 5 succeeding fiscal
2 years.

3 ~~(2) EISENHOWER CLEARINGHOUSE.—~~The Sec-
4 retary shall continue grants for the Eisenhower Na-
5 tional Clearinghouse for Mathematics and Science
6 Education authorized under section 2102(b) of the
7 Elementary and Secondary Education Act of 1965
8 (as such section was in effect on the day before the
9 date of enactment of the No Child Left Behind Act
10 of 2001).

11 ~~(e) CONTINUATION.—~~The Director shall continue
12 awards for the support of the Educational Resources In-
13 formation Center Clearinghouses (under section 941(f) of
14 the Educational Research, Development, Dissemination,
15 and Improvement Act of 1994 (as such awards were in
16 effect on the day before the date of enactment of this Act))
17 for the duration of those awards, in accordance with the
18 terms and agreements of such awards.

19 ~~(f) NATIONAL LIBRARY OF EDUCATION.—~~

20 ~~(1) ESTABLISHMENT.—~~There is established
21 within the Office of Knowledge Utilization a Na-
22 tional Library of Education that shall—

23 ~~(A)~~ be headed by an individual who is
24 highly qualified in library science;

25 ~~(B)~~ collect and archive information;

1 (C) provide a central location within the
2 Federal Government for information about edu-
3 cation;

4 (D) provide comprehensive reference serv-
5 ices on matters related to education to employ-
6 ees of the Department of Education and its
7 contractors and grantees; other Federal employ-
8 ees; and members of the public; and

9 (E) promote greater cooperation and re-
10 source sharing among providers and reposi-
11 tories of education information in the United
12 States.

13 (2) INFORMATION.—The information collected
14 and archived by the National Library of Education
15 shall include—

16 (A) products and publications developed
17 through; or supported by; the Institute; and

18 (B) other relevant and useful education-re-
19 lated research; statistics; and evaluation mate-
20 rials and other information; projects; and publi-
21 cations that are—

22 (i) consistent with—

23 (I) scientifically valid research; or

24 (II) the priorities and mission of
25 the Institute; and

1 (ii) developed by the Department,
2 other Federal agencies, or entities
3 (including entities supported under the Re-
4 gional Assistance Act of 2002).

5 **SEC. 119. AGREEMENTS.**

6 The Institute may carry out research projects of com-
7 mon interest with entities such as the National Science
8 Foundation and the National Institute of Child Health
9 and Human Development through agreements that are in
10 accordance with section 430 of the General Education
11 Provisions Act (20 U.S.C. 1231).

12 **SEC. 120. BIENNIAL REPORT.**

13 The Director shall, on a biennial basis, transmit to
14 the President, the Board, and the appropriate congres-
15 sional committees, and make widely available to the public
16 (including by means of the Internet), a report containing
17 the following:

18 (1) A description of the activities carried out by
19 and through the National Education Centers during
20 the prior fiscal years.

21 (2) A summary of each grant, contract, and co-
22 operative agreement in excess of \$100,000 funded
23 through the National Education Centers during the
24 prior fiscal years, including, at a minimum, the
25 amount, duration, recipient, and purpose of the

1 award, which shall be available in a user-friendly
2 electronic database.

3 ~~(3)~~ A description of how the activities of the
4 National Education Centers are consistent with the
5 principles of scientifically valid research and the pri-
6 orities and mission of the Institute.

7 ~~(4)~~ Such additional comments, recommenda-
8 tions, and materials as the Director considers appro-
9 priate.

10 **SEC. 121. COMPETITIVE AWARDS.**

11 Research carried out under this Act through grants,
12 contracts, or cooperative agreements, at a minimum, shall
13 be awarded on a competitive basis and, when practicable,
14 through a process of peer review.

15 **PART B—NATIONAL CENTER FOR**
16 **EDUCATION RESEARCH**

17 **SEC. 131. ESTABLISHMENT.**

18 ~~(a)~~ **ESTABLISHMENT.**—There is established in the
19 Institute a National Center for Education Research (in
20 this part referred to as the “Research Center”).

21 ~~(b)~~ **MISSION.**—The mission of the Research Center
22 is—

23 ~~(1)~~ to sponsor sustained research that will lead
24 to the accumulation of knowledge and understanding
25 of education, to—

1 (A) ensure that all children have the ability
2 to obtain a high quality education;

3 (B) improve student academic achieve-
4 ment;

5 (C) close the achievement gap between
6 high-performing and low-performing students
7 through the improvement of teaching and learn-
8 ing of reading, writing, mathematics, science,
9 and other academic subjects; and

10 (D) ensure educational access and oppor-
11 tunity for postsecondary education;

12 (2) to support the synthesis and, as appro-
13 priate, the integration of education research;

14 (3) to promote quality and integrity through
15 the use of accepted practices of scientific inquiry to
16 obtain knowledge and understanding of the validity
17 of education theories, practices, or conditions; and

18 (4) to promote scientifically valid research find-
19 ings that can provide the basis for improving aca-
20 demic instruction and lifelong learning.

21 **SEC. 132. COMMISSIONER FOR EDUCATION RESEARCH.**

22 The Research Center shall be headed by a Commis-
23 sioner for Education Research (in this part referred to as
24 the “Research Commissioner”) who shall have substantial
25 knowledge of the activities of the Research Center, includ-

1 ing a high level of expertise in the fields of research and
 2 research management.

3 **SEC. 133. DUTIES.**

4 (a) ~~GENERAL DUTIES.~~—The Research Center shall—

5 (1) maintain published peer-review standards
 6 and standards for the conduct and evaluation of all
 7 research and development carried out under the aus-
 8 pices of the Research Center in accordance with this
 9 part;

10 (2) propose to the Director a research plan
 11 that—

12 (A) is consistent with the priorities and
 13 mission of the Institute and the mission of the
 14 Research Center and includes the activities de-
 15 scribed in paragraph (3); and

16 (B) shall be carried out pursuant to para-
 17 graph (4) and, as appropriate, be updated and
 18 modified;

19 (3) carry out specific, long-term research activi-
 20 ties that are consistent with the priorities and mis-
 21 sion of the Institute, and are approved by the Direc-
 22 tor;

23 (4) implement the plan proposed under para-
 24 graph (2) to carry out scientifically valid research
 25 that—

1 (A) uses objective and measurable indica-
2 tors, including timelines, that are used to assess
3 the progress and results of such research;

4 (B) meets the procedures for peer review
5 established by the Director under section
6 ~~114(f)(5)~~ and the standards of research de-
7 scribed in section ~~134~~; and

8 (C) includes both basic research and ap-
9 plied research, which shall include research con-
10 ducted through field-initiated research and shall
11 include ongoing research initiatives;

12 ~~(5)~~ promote the use of scientifically valid re-
13 search within the Federal Government, including ac-
14 tive participation in interagency research projects
15 described in section ~~119~~;

16 ~~(6)~~ ensure that research conducted under the
17 direction of the Research Center is relevant to edu-
18 cation practice and policy;

19 ~~(7)~~ synthesize and disseminate, through the Of-
20 fice of Knowledge Utilization, the findings and re-
21 sults of education research conducted or supported
22 by the Research Center;

23 ~~(8)~~ assist the Director in the preparation of a
24 biennial report, as described in section ~~120~~, which

1 shall be made available to the public through such
 2 means as the Internet; and

3 ~~(9) carry out research on successful State and~~
 4 ~~local education reform activities, as approved by the~~
 5 ~~Director.~~

6 ~~(b) ELIGIBILITY.—Research carried out under sub-~~
 7 ~~section (a) through contracts, grants, or cooperative~~
 8 ~~agreements shall be carried out only by recipients with the~~
 9 ~~ability and capacity to conduct scientifically valid research.~~

10 ~~(c) NATIONAL RESEARCH AND DEVELOPMENT CEN-~~
 11 ~~TERS.—~~

12 ~~(1) SUPPORT.—In carrying out activities under~~
 13 ~~subsection (a)(3), the Director, acting through the~~
 14 ~~Research Commissioner, shall support not more than~~
 15 ~~15 national research and development centers.~~

16 ~~(2) DUTIES OF CENTERS.—The national re-~~
 17 ~~search and development centers shall address areas~~
 18 ~~of national need.~~

19 ~~(3) SCOPE.—Support for a national research~~
 20 ~~and development center shall be for a period of not~~
 21 ~~more than 5 years, shall be of sufficient size and~~
 22 ~~scope to be effective, and notwithstanding section~~
 23 ~~134(b), may be renewed without competition for not~~
 24 ~~more than 5 additional years if the Director, in con-~~
 25 ~~sultation with the Research Commissioner and the~~

1 Board, determines that the research of the national
2 research and development center—

3 (A) continues to address priorities of the
4 Institute; and

5 (B) merits renewal (applying the proce-
6 dures and standards established in section
7 134).

8 (4) LIMIT.—No national research and develop-
9 ment center may be supported under this subsection
10 for a period of more than 10 years without submit-
11 ting to a competitive process for the award of the
12 support.

13 (5) CONTINUATION OF AWARDS.—The Director,
14 acting through the Research Commissioner, shall
15 continue awards made to the national research and
16 development centers that are in effect on the day be-
17 fore the date of enactment of this Act in accordance
18 with the terms of those awards and may renew them
19 in accordance with paragraphs (2) and (4).

20 **SEC. 134. STANDARDS FOR CONDUCT AND EVALUATION OF**
21 **RESEARCH.**

22 (a) IN GENERAL.—In carrying out this part, the Di-
23 rector, acting through the Research Commissioner, shall—

1 (1) ensure that all research conducted under
2 the direction of the Research Center follows scientif-
3 ically based research standards;

4 (2) develop such other standards as may be
5 necessary to govern the conduct and evaluation of all
6 research, development, and dissemination activities
7 carried out by the Research Center to assure that
8 such activities meet the highest standards of profes-
9 sional excellence;

10 (3) review the procedures utilized by the Na-
11 tional Institutes of Health, the National Science
12 Foundation, and other Federal departments or agen-
13 cies engaged in research and development, and ac-
14 tively solicit recommendations from research organi-
15 zations and members of the general public in the de-
16 velopment of the standards described in paragraph
17 (2); and

18 (4) ensure that all research complies with Fed-
19 eral guidelines relating to research misconduct.

20 (b) PEER REVIEW.—

21 (1) IN GENERAL.—The Director shall establish
22 a peer review system, involving highly qualified indi-
23 viduals with an in-depth knowledge of the subject to
24 be investigated, for reviewing and evaluating all ap-
25 plications for grants and cooperative agreements

1 that exceed \$100,000, and for evaluating and assess-
2 ing the products developed by all recipients of grants
3 and cooperative agreements under this Act.

4 (2) EVALUATION.—The Director, acting
5 through the Research Commissioner, shall—

6 (A) develop the procedures to be used in
7 evaluating applications for research grants, co-
8 operative agreements, and contracts, and speci-
9 fy the criteria and factors which shall be consid-
10 ered in making such evaluations; and

11 (B) evaluate the performance of each re-
12 cipient of an award of a research grant, con-
13 tract, or cooperative agreement at the conclu-
14 sion of the award.

15 (c) LONG-TERM RESEARCH.—The Director, acting
16 through the Research Commissioner, shall ensure that not
17 less than 50 percent of the funds made available for re-
18 search for each fiscal year shall be used to fund long-term
19 research programs of not less than 5 years, which support
20 the priorities and mission of the Institute and the mission
21 of the Research Center.

1 **PART C—NATIONAL CENTER FOR**
 2 **EDUCATION STATISTICS**

3 **SEC. 151. ESTABLISHMENT.**

4 (a) **ESTABLISHMENT.**—There is established in the
 5 Institute a National Center for Education Statistics (in
 6 this part referred to as the “Statistics Center”).

7 (b) **MISSION.**—The mission of the Statistics Center
 8 shall be—

9 (1) to collect and analyze education information
 10 and statistics in a manner that meets the highest
 11 methodological standards;

12 (2) to report education information and statis-
 13 tics in a timely manner; and

14 (3) to collect, analyze, and report education in-
 15 formation and statistics in a manner that—

16 (A) is objective, secular, neutral, and non-
 17 ideological and is free of partisan political influ-
 18 ence and racial, cultural, gender, or regional
 19 bias; and

20 (B) is relevant and useful to practitioners,
 21 researchers, policymakers, and the public.

22 **SEC. 152. COMMISSIONER FOR EDUCATION STATISTICS.**

23 The Statistics Center shall be headed by a Commis-
 24 sioner for Education Statistics (in this part referred to
 25 as the “Statistics Commissioner”) who shall have substan-

1 tial knowledge of statistical methodologies and activities
 2 undertaken by the Statistics Center.

3 **SEC. 153. DUTIES.**

4 (a) ~~GENERAL DUTIES.~~—The Statistics Center shall
 5 collect, report, analyze, and disseminate statistical data re-
 6 lated to education in the United States and in other na-
 7 tions, including—

8 (1) collecting, acquiring, compiling (where ap-
 9 propriate, on a State-by-State basis), and dissemi-
 10 nating full and complete statistics disaggregated by
 11 gender, by each major racial and ethnic group, by
 12 English proficiency status, by students with disabil-
 13 ities as compared to nondisabled students, and by
 14 economically disadvantaged students as compared to
 15 students who are not economically disadvantaged, on
 16 the condition and progress of education, at the pre-
 17 school, elementary, secondary, postsecondary, and
 18 adult levels in the United States, including data
 19 on—

20 (A) State and local education reform ac-
 21 tivities;

22 (B) student achievement in, at a minimum,
 23 the core academic areas of reading, mathe-
 24 matics, and science at all levels of education;

1 (C) secondary school completions, drop-
2 outs, and adult literacy and reading skills;

3 (D) educational access to, and opportunity
4 for, postsecondary education, including data on
5 financial aid to postsecondary students;

6 (E) teaching, including—

7 (i) data on in-service professional de-
8 velopment, including a comparison of
9 courses taken in the core academic areas
10 of reading, mathematics, and science with
11 courses in non core academic areas; and

12 (ii) the percentage of teachers who are
13 highly qualified (as such term is defined in
14 section 9101 of the Elementary and Sec-
15 ondary Education Act of 1965 (20 U.S.C.
16 7801)) in each State and, where feasible,
17 in each local educational agency and
18 school;

19 (F) instruction, the conditions of the edu-
20 cation workplace, and the supply of, and de-
21 mand for, teachers;

22 (G) the incidence, frequency, seriousness,
23 and nature of violence affecting students, school
24 personnel, and other individuals participating in

- 1 school activities, as well as other indices of
2 school safety, including information regarding—
- 3 (i) the relationship between victims
4 and perpetrators;
- 5 (ii) demographic characteristics of the
6 victims and perpetrators; and
- 7 (iii) the type of weapons used in inci-
8 dents, as classified in the Uniform Crime
9 Reports of the Federal Bureau of Inves-
10 tigation;
- 11 (H) the financing and management of edu-
12 cation, including data on revenues and expendi-
13 tures;
- 14 (I) the social and economic status of chil-
15 dren, including their academic achievement;
- 16 (J) the existence and use of educational
17 technology and access to the Internet in ele-
18 mentary schools and secondary schools;
- 19 (K) educational access to, and opportunity
20 for, early childhood education;
- 21 (L) the availability of, and access to, be-
22 fore-school and after-school programs (including
23 such programs during school recesses); and
- 24 (M) student participation in and comple-
25 tion of secondary and postsecondary vocational

1 and technical education programs by specific
2 program area;

3 ~~(2) conducting and publishing reports on the~~
4 ~~meaning and significance of the statistics described~~
5 ~~in paragraph (1);~~

6 ~~(3) collecting, analyzing, cross-tabulating, and~~
7 ~~reporting, to the extent feasible, information by gen-~~
8 ~~der, race, ethnicity, socioeconomic status, limited~~
9 ~~English proficiency, mobility, disability, and other~~
10 ~~population characteristics, when such disaggregated~~
11 ~~information will facilitate educational and policy de-~~
12 ~~cisionmaking;~~

13 ~~(4) assisting public and private educational~~
14 ~~agencies, organizations, and institutions in improv-~~
15 ~~ing and automating statistical and data collection~~
16 ~~activities, which may include assisting State edu-~~
17 ~~cational agencies and local educational agencies with~~
18 ~~the disaggregation of data;~~

19 ~~(5) acquiring and disseminating data on edu-~~
20 ~~cational activities and student achievement (such as~~
21 ~~the Third International Math and Science Study) in~~
22 ~~the United States compared with foreign nations;~~

23 ~~(6) conducting longitudinal and special data~~
24 ~~collections necessary to report on the condition and~~
25 ~~progress of education; and~~

1 (7) assisting the Director in the preparation of
 2 a biennial report, as described in section 120, which
 3 shall be available to the public through such means
 4 as the Internet.

5 (b) TRAINING PROGRAM.—The Statistics Commis-
 6 sioner may establish a program to train employees of pub-
 7 lic and private educational agencies, organizations, and in-
 8 stitutions in the use of standard statistical procedures and
 9 concepts, and may establish a fellowship program to ap-
 10 point such employees as temporary fellows at the Statis-
 11 tics Center, in order to assist the Statistics Center in car-
 12 rying out its duties.

13 **SEC. 154. PERFORMANCE OF DUTIES.**

14 (a) GRANTS, CONTRACTS, AND COOPERATIVE
 15 AGREEMENTS.—In carrying out the duties under this
 16 part, the Statistics Commissioner, may award grants,
 17 enter into contracts and cooperative agreements, and pro-
 18 vide technical assistance.

19 (b) GATHERING INFORMATION.—

20 (1) SAMPLING.—The Statistics Commissioner
 21 may use the statistical method known as sampling
 22 (including random sampling) to carry out this part.

23 (2) SOURCE OF INFORMATION.—The Statistics
 24 Commissioner may, as appropriate, use information
 25 collected—

(A) from States, local educational agencies, public and private schools, preschools, institutions of higher education, vocational and adult education programs, libraries, administrators, teachers, students, the general public, and other individuals, organizations, agencies, and institutions (including information collected by States and local educational agencies for their own use); and

(B) by other offices within the Institute and by other Federal departments, agencies, and instrumentalities.

(3) COLLECTION.—The Statistics Commissioner may—

(A) enter into interagency agreements for the collection of statistics;

(B) arrange with any agency, organization, or institution for the collection of statistics; and

(C) assign employees of the Statistics Center to any such agency, organization, or institution to assist in such collection.

(4) TECHNICAL ASSISTANCE AND COORDINATION.—In order to maximize the effectiveness of Department efforts to serve the educational needs of

1 children and youth, the Statistics Commissioner
2 shall—

3 (A) provide technical assistance to the De-
4 partment offices that gather data for statistical
5 purposes; and

6 (B) coordinate with other Department of-
7 fices in the collection of data.

8 (c) DURATION.—Notwithstanding any other provi-
9 sion of law, the grants, contracts, and cooperative agree-
10 ments under this section may be awarded, on a competi-
11 tive basis, for a period of not more than 5 years, and may
12 be renewed at the discretion of the Statistics Commis-
13 sioner for an additional period of not more than 5 years.

14 **SEC. 155. REPORTS.**

15 (a) PROCEDURES FOR ISSUANCE OF REPORTS.—The
16 Statistics Commissioner, shall establish procedures, in ac-
17 cordance with section 186, to ensure that the reports
18 issued under this section are relevant, of high quality, use-
19 ful to customers, subject to rigorous peer review, produced
20 in a timely fashion, and free from any partisan political
21 influence.

22 (b) REPORT ON CONDITION AND PROGRESS OF EDU-
23 CATION.—Not later than June 1, 2003, and each June
24 1 thereafter, the Director, acting through the Statistics
25 Commissioner, shall submit to the President and the ap-

1 appropriate congressional committees a statistical report on
 2 the condition and progress of education in the United
 3 States.

4 (c) STATISTICAL REPORTS.—The Statistics Commis-
 5 sioner shall—

6 (1) issue regular and, as necessary, special sta-
 7 tistical reports on education topics, particularly in
 8 the core academic areas of reading, mathematics,
 9 and science, consistent with the priorities and the
 10 mission of the Statistics Center; and

11 (2) inform the Director prior to the publication
 12 of the reports described in paragraph (1).

13 **SEC. 156. DISSEMINATION.**

14 (a) GENERAL REQUESTS.—

15 (1) IN GENERAL.—The Statistics Center may
 16 furnish transcripts or copies of tables and other sta-
 17 tistical records and make special statistical compila-
 18 tions and surveys for State and local officials, public
 19 and private organizations, and individuals.

20 (2) COMPILATIONS.—The Statistics Center
 21 shall provide State educational agencies, local edu-
 22 cational agencies, and institutions of higher edu-
 23 cation with opportunities to suggest the establish-
 24 ment of particular compilations of statistics, surveys,

1 and analyses that will assist those educational agen-
2 cies.

3 (b) CONGRESSIONAL REQUESTS.—The Statistics
4 Center shall furnish such special statistical compilations
5 and surveys as the relevant congressional committees may
6 request.

7 (c) JOINT STATISTICAL PROJECTS.—The Statistics
8 Center may engage in joint statistical projects related to
9 the mission of the Center, or other statistical purposes au-
10 thorized by law, with nonprofit organizations or agencies,
11 and the cost of such projects shall be shared equitably as
12 determined by the Director.

13 (d) FEES.—

14 (1) IN GENERAL.—Statistical compilations and
15 surveys under this section, other than those carried
16 out pursuant to subsections (b) and (c), may be
17 made subject to the payment of the actual or esti-
18 mated cost of such work.

19 (2) FUNDS RECEIVED.—All funds received in
20 payment for work or services described in this sub-
21 section may be used to pay directly the costs of such
22 work or services, to repay appropriations that ini-
23 tially bore all or part of such costs, or to refund ex-
24 cess sums when necessary.

25 (e) ACCESS.—

1 (1) OTHER AGENCIES.—The Statistics Center
 2 shall, consistent with section 183, cooperate with
 3 other Federal agencies having a need for educational
 4 data in providing access to educational data received
 5 by the Statistics Center.

6 (2) INTERESTED PARTIES.—The Statistics Cen-
 7 ter shall, in accordance with such terms and condi-
 8 tions as the Center may prescribe, provide all inter-
 9 ested parties, including public and private agencies,
 10 parents, and other individuals, direct access, in the
 11 most appropriate form (including, where possible,
 12 electronically), to data collected by the Statistics
 13 Center for the purposes of research and acquiring
 14 statistical information.

15 **SEC. 157. COOPERATIVE EDUCATION STATISTICS SYSTEMS.**

16 The Statistics Center may establish 1 or more na-
 17 tional cooperative education statistics systems for the pur-
 18 pose of producing and maintaining, with the cooperation
 19 of the States, comparable and uniform information and
 20 data on early childhood education, elementary and sec-
 21 ondary education, postsecondary education, adult edu-
 22 cation, and libraries, that are useful for policymaking at
 23 the Federal, State, and local levels.

1 **SEC. 158. STATE DEFINED.**

2 In this part, the term “State” means each of the 50
3 States, the District of Columbia, and the Commonwealth
4 of Puerto Rico.

5 **PART D—NATIONAL CENTER FOR**
6 **EDUCATION EVALUATION**

7 **SEC. 171. ESTABLISHMENT.**

8 (a) **ESTABLISHMENT.**—There is established in the
9 Institute a National Center for Education Evaluation (in
10 this part referred to as the “Evaluation Center”).

11 (b) **MISSION.**—The mission of the Evaluation Center
12 shall be to conduct evaluations of Federal education pro-
13 grams administered by the Secretary (and as time and re-
14 sources allow, other education programs) to determine the
15 impact of such programs (especially on student academic
16 achievement in the core academic areas of reading, mathe-
17 matics, and science, when such achievement or areas are
18 relevant); to support synthesis and wide dissemination of
19 results of evaluation research; and to encourage the use
20 of scientifically valid education evaluation throughout the
21 United States.

22 **SEC. 172. COMMISSIONER FOR EDUCATION EVALUATION.**

23 (a) **IN GENERAL.**—The Evaluation Center shall be
24 headed by a Commissioner for Education Evaluation (in
25 this part referred to as the “Evaluation Commissioner”)
26 who—

1 (1) shall possess a demonstrated capacity for
 2 sustained productivity and leadership in education
 3 evaluation, and be technically competent in con-
 4 ducting scientifically valid education evaluations; and

5 (2) shall oversee all evaluation activities of the
 6 Evaluation Center, the establishment of evaluation
 7 methodology, the reporting of findings of evaluations
 8 to the public and appropriate congressional commit-
 9 tees, and other duties essential to carrying out the
 10 mission of the Evaluation Center.

11 (b) GRANTS, CONTRACTS, AND COOPERATIVE
 12 AGREEMENTS.—In carrying out the duties under this
 13 part, the Director, acting through the Evaluation Commis-
 14 sioner, may award grants, enter into contracts and cooper-
 15 ative agreements, and provide technical assistance.

16 **SEC. 173. DUTIES.**

17 (a) EVALUATION.—

18 (1) IN GENERAL.—In carrying out its missions,
 19 the Evaluation Center may—

20 (A) evaluate the impact of Federal edu-
 21 cation programs;

22 (B) support, through grants or contracts,
 23 field-based evaluations of State and local edu-
 24 cation programs;

(C) examine evaluations conducted or supported by others in order to determine the quality and relevance of the evidence of effectiveness generated by those evaluations;

(D) coordinate the activities of the Evaluation Center with other evaluation activities in the Department;

(E) review and, where feasible, supplement Federal education program evaluations, particularly those by the Department, to determine or enhance the quality and relevance of the evidence generated by those evaluations; and

(F) assist the Director in the preparation of the biennial report, as described in section 120, which shall be made available to the public through such means as the Internet.

(2) **ADDITIONAL REQUIREMENTS.**—Each evaluation conducted by the Evaluation Center pursuant to paragraph (1) shall—

(A) adhere to the highest possible standards of quality for conducting scientifically valid education evaluation; and

(B) be subject to rigorous peer-review.

(b) **ADMINISTRATION OF EVALUATIONS UNDER TITLE I OF THE ELEMENTARY AND SECONDARY EDU-**

1 ~~EVALUATION ACT OF 1965.—~~The Director, acting through the
 2 ~~Evaluation Commissioner~~, consistent with the mission of
 3 ~~the Evaluation Center under section 171(b)~~, shall admin-
 4 ~~ister all operations and contracts associated with evalua-~~
 5 ~~tions authorized by part E of title I of the Elementary~~
 6 ~~and Secondary Education Act of 1965 (20 U.S.C. 6491~~
 7 ~~et seq.) and administered by the Department as of the~~
 8 ~~date of enactment of this Act.~~

9 **PART E—GENERAL PROVISIONS**

10 **SEC. 181. INTERAGENCY DATA SOURCES AND FORMATS.**

11 The Secretary, in consultation with the Director,
 12 shall ensure that the Department and the Institute use
 13 common sources of data in standardized formats.

14 **SEC. 182. PROHIBITIONS.**

15 (a) ~~NATIONAL DATABASE.—~~Nothing in this title may
 16 be construed to authorize the establishment of a nation-
 17 wide database of individually identifiable information on
 18 individuals involved in studies or other collections of data
 19 under this title.

20 (b) ~~FEDERAL GOVERNMENT AND USE OF FEDERAL~~
 21 ~~FUNDS.—~~Nothing in this title may be construed to au-
 22 thorize an officer or employee of the Federal Government
 23 to mandate, direct, or control the curriculum, program of
 24 instruction, or allocation of State or local resources of a
 25 State, local educational agency, or school, or to mandate

1 a State, or any subdivision thereof, to spend any funds
 2 or incur any costs not provided for under this title.

3 (c) ENDORSEMENT OF CURRICULUM.—Notwith-
 4 standing any other provision of Federal law, no funds pro-
 5 vided under this title to the Institute, including any office,
 6 board, committee, or center of the Institute, may be used
 7 by the Institute to endorse, approve, or sanction any cur-
 8 riculum designed to be used in an elementary school or
 9 secondary school.

10 (d) FEDERALLY SPONSORED TESTING.—

11 (1) IN GENERAL.—Subject to paragraph (2), no
 12 funds provided under this title to the Secretary or
 13 to the recipient of any award may be used to de-
 14 velop, pilot test, field test, implement, administer, or
 15 distribute any federally sponsored national test in
 16 reading, mathematics, or any other subject, unless
 17 specifically and explicitly authorized by law.

18 (2) EXCEPTIONS.—Subsection (a) shall not
 19 apply to international comparative assessments de-
 20 veloped under the authority of section 153(a)(5) of
 21 this title or section 404(a)(6) of the National Edu-
 22 cation Statistics Act of 1994 (20 U.S.C. 9003(a)(6))
 23 (as such section was in effect on the day before the
 24 date of enactment of this Act) and administered to

1 only a representative sample of pupils in the United
2 States and in foreign nations.

3 **SEC. 183. CONFIDENTIALITY.**

4 (a) ~~IN GENERAL.~~—All collection, maintenance, use,
5 and dissemination of data by the Institute, including each
6 office, board, committee, and center of the Institute, shall
7 conform with the requirements of section 552a of title 5,
8 United States Code, the confidentiality standards of sub-
9 section (c) of this section, and sections 444 and 445 of
10 the General Education Provisions Act (20 U.S.C. 1232g,
11 1232h).

12 (b) ~~STUDENT INFORMATION.~~—The Director shall en-
13 sure that all individually identifiable information about
14 students, their academic achievements, their families, and
15 information with respect to individual schools, shall re-
16 main confidential in accordance with section 552a of title
17 5, United States Code, and sections 444 and 445 of the
18 General Education Provisions Act (20 U.S.C. 1232g,
19 1232h).

20 **SEC. 184. AVAILABILITY OF DATA.**

21 Subject to section 183, data collected by the Insti-
22 tute, including any office, board, committee, or center of
23 the Institute, in carrying out the priorities and mission
24 of the Institute, shall be made available to the public, in-
25 cluding through use of the Internet.

1 **SEC. 185. PERFORMANCE MANAGEMENT.**

2 The Director shall ensure that all activities conducted
3 or supported by the Institute or a National Education
4 Center make customer service a priority. The Director
5 shall ensure a high level of customer satisfaction through
6 the following methods:

7 (1) Establishing and improving feedback meech-
8 anisms in order to anticipate customer needs.

9 (2) Disseminating information in a timely fash-
10 ion and in formats that are easily accessible and us-
11 able by researchers, practitioners, and the general
12 public.

13 (3) Utilizing the most modern technology and
14 other methods available, including arrangements to
15 use data collected electronically by States and local
16 educational agencies, to ensure the efficient collec-
17 tion and timely distribution of information, including
18 data and reports.

19 (4) Establishing and measuring performance
20 against a set of indicators for the quality of data
21 collected, analyzed, and reported.

22 (5) Continuously improving management strate-
23 gies and practices.

24 (6) Making information available to the public
25 in an expeditious fashion.

1 **SEC. 186. AUTHORITY TO PUBLISH.**

2 (a) **PUBLICATION.**—The Director may prepare and
3 publish (including through oral presentation) such re-
4 search, statistics, and evaluation information and reports
5 from any office, board, committee, and center of the Insti-
6 tute as needed to carry out the priorities and mission of
7 the Institute without the approval of the Secretary or any
8 other office of the Department.

9 (b) **PEER REVIEW.**—All research, statistics, and eval-
10 uation reports conducted by, or supported through, the In-
11 stitute shall be subjected to rigorous peer review before
12 being published or otherwise made available to the public.

13 (c) **ITEMS NOT COVERED.**—Nothing in subsection (a)
14 or (b) shall be construed to apply to—

15 (1) information on current or proposed budgets;
16 appropriations, or legislation;

17 (2) information prohibited from disclosure by
18 law or the Constitution, classified national security
19 information, or information described in section
20 552(b) of title 5, United States Code; and

21 (3) review by officers of the United States in
22 order to prevent the unauthorized disclosure of in-
23 formation described in paragraph (1) or (2).

24 **SEC. 187. VACANCIES.**

25 Any member appointed to fill a vacancy on the Board
26 occurring before the expiration of the term for which the

1 member's predecessor was appointed shall be appointed
 2 only for the remainder of that term. A vacancy in an of-
 3 fice, board, committee, or center of the Institute shall be
 4 filled in the manner in which the original appointment was
 5 made. This section does not apply to employees appointed
 6 under section 188.

7 **SEC. 188. SCIENTIFIC OR TECHNICAL EMPLOYEES.**

8 (a) APPOINTMENT OF EMPLOYEES.—The Director
 9 may appoint, for terms not to exceed 6 years (without re-
 10 gard to the provisions of title 5, United States Code, gov-
 11 erning appointment in the competitive service) and may
 12 compensate (without regard to the provisions of chapter
 13 51 and subchapter III of chapter 53 of such title relating
 14 to classification and General Schedule pay rates) such sci-
 15 entific or technical employees to carry out the functions
 16 of the Institute or the office, board, committee, or center,
 17 respectively, if—

18 (1) at least 30 days prior to the appointment
 19 of any such employee, public notice is given of the
 20 availability of such position and an opportunity is
 21 provided for qualified individuals to apply and com-
 22 pete for such position;

23 (2) the rate of basic pay for such employees
 24 does not exceed the maximum rate of basic pay pay-
 25 able for positions at GS-15, as determined in ac-

1 cordance with section 5376 of title 5, United States
2 Code, except that not more than 5 individuals ap-
3 pointed under this section may be paid at a rate
4 that does not exceed the rate of basic pay for level
5 III of the Executive Schedule;

6 (3) the appointment of such employee is nec-
7 essary (as determined by the Director on the basis
8 of clear and convincing evidence) to provide the In-
9 stitute or the office, board, committee, or center
10 with scientific or technical expertise which could not
11 otherwise be obtained by the Institute or the office,
12 board, committee, or center through the competitive
13 service; and

14 (4) the total number of such employees does not
15 exceed 30 individuals or $\frac{1}{5}$ of the number of full-
16 time, regular scientific or professional employees of
17 the Institute, whichever is greater.

18 (b) REAPPOINTMENT OF EMPLOYEES.—The Director
19 may reappoint employees described in subsection (a) upon
20 presentation of a clear and convincing justification of
21 need, for 1 additional term not to exceed 3 years. All such
22 employees shall work on activities of the Institute or the
23 office, board, committee, or center, and shall not be reas-
24 signed to other duties outside the Institute or the office,
25 board, committee, or center during their term.

1 **SEC. 189. FELLOWSHIPS.**

2 In order to strengthen the national capacity to carry
 3 out high-quality research, evaluation, and statistics related
 4 to education, the Director shall establish and maintain re-
 5 search, evaluation, and statistics on fellowships in institu-
 6 tions of higher education (which may include the establish-
 7 ment of such fellowships in historically Black colleges and
 8 universities and other institutions of higher education with
 9 large numbers of minority students) that support graduate
 10 and postdoctoral study. In establishing the fellowships, the
 11 Director shall ensure that women and minorities are ac-
 12 tively recruited for participation.

13 **SEC. 190. RULEMAKING.**

14 Notwithstanding section 437(d) of the General Edu-
 15 cation Provisions Act (20 U.S.C. 1232(d)), the exemption
 16 for public property, loans, grants, and benefits in section
 17 553(a)(2) of title 5, United States Code, shall apply to
 18 the Institute.

19 **SEC. 191. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) IN GENERAL.—There are authorized to be appro-
 21 priated to administer and carry out this title
 22 \$400,000,000 for fiscal year 2003 and such sums as may
 23 be necessary for each of the 5 succeeding fiscal years, of
 24 which—

25 (1) not less than the amount provided to the
 26 National Center for Education Statistics (as such

1 Center was in existence on the day before the date
 2 of enactment of this Act) for fiscal year 2002 shall
 3 be provided to the National Center for Education
 4 Statistics, as authorized under part C; and

5 (2) the lesser of 2 percent of such funds or
 6 \$1,000,000 shall be made available to carry out sec-
 7 tion 116 (relating to the National Board for Edu-
 8 cation Sciences).

9 (b) AVAILABILITY.—Amounts made available under
 10 this section shall remain available until expended.

11 **TITLE II—REGIONAL EDU-**
 12 **CATIONAL APPLIED RE-**
 13 **SEARCH AND TECHNICAL AS-**
 14 **SISTANCE**

15 **SEC. 201. SHORT TITLE.**

16 This title may be cited as the “Regional Assistance
 17 Act of 2002”.

18 **SEC. 202. DEFINITIONS.**

19 In this title:

20 (1) IN GENERAL.—The terms “local educational
 21 agency” and “State educational agency” have the
 22 meanings given those terms in section 9101 of the
 23 Elementary and Secondary Education Act of 1965
 24 (20 U.S.C. 7801).

1 (2) BUREAU.—The term “Bureau” means the
2 Bureau of Indian Affairs.

3 (3) INSTITUTION OF HIGHER EDUCATION.—The
4 term “institution of higher education” has the
5 meaning given that term in section 101(a) of the
6 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

7 (4) SECRETARY.—The term “Secretary” means
8 the Secretary of Education.

9 **SEC. 203. REGIONAL EDUCATIONAL LABORATORIES FOR**
10 **RESEARCH, DEVELOPMENT, DISSEMINATION,**
11 **AND TECHNICAL ASSISTANCE.**

12 (a) REGIONAL EDUCATIONAL LABORATORIES.—The
13 Director shall enter into contracts with public or private
14 nonprofit entities to establish a networked system of 10
15 regional educational laboratories that serve the needs of
16 each region of the United States in accordance with the
17 provisions of this subsection. The amount of assistance al-
18 located to each laboratory by the Director shall reflect the
19 number of local educational agencies and the number of
20 school-age children within the region served by such lab-
21 oratory, as well as the cost of providing services within
22 the geographic area encompassed by the region.

23 (b) REGIONS.—The regions served by the regional
24 educational laboratories shall be the 10 geographic regions
25 in existence on the day preceding the date of the enact-

1 ment of the Educational Research, Development, Dissemi-
2 nation, and Improvement Act of 1994.

3 (c) DUTIES.—Each regional educational laboratory
4 receiving assistance under this section shall promote the
5 implementation of broad-based systemic school improve-
6 ment strategies and shall have as such laboratory's central
7 mission and primary function to—

8 (1) develop and disseminate educational re-
9 search products and processes to schools, teachers,
10 local educational agencies, State educational agen-
11 cies, librarians, and schools funded by the Bureau,
12 as appropriate, and through such development and
13 dissemination, and provide technical assistance, to
14 help all students meet standards;

15 (2) develop a plan for identifying and serving
16 the needs of the region by conducting a continuing
17 survey of the educational needs, strengths, and
18 weaknesses within the region, including a process of
19 open hearings to solicit the views of schools, teach-
20 ers, administrators, parents, local educational agen-
21 cies, librarians, and State educational agencies with-
22 in the region;

23 (3) provide technical assistance to State and
24 local educational agencies, school boards, schools

1 funded by the Bureau, as appropriate, State boards
2 of education, schools, and librarians;

3 (4) facilitate school restructuring at the indi-
4 vidual school level, including technical assistance for
5 adapting model demonstration grant programs to
6 each school;

7 (5) serve the educational development needs of
8 the region by providing education research in usable
9 forms in order to promote school improvement and
10 academic achievement and to correct educational de-
11 ficiencies;

12 (6) facilitate communication between edu-
13 cational experts, school officials, and teachers, par-
14 ents, and librarians, to enable such individuals to as-
15 sist schools to develop a plan to meet the State edu-
16 cation goals;

17 (7) provide training in—

18 (A) the field of education research and re-
19 lated areas;

20 (B) the use of new educational methods;
21 and

22 (C) the use of information-finding meth-
23 ods, practices, techniques, and products devel-
24 oped in connection with such training for which
25 the regional educational laboratory may support

1 internships and fellowships and provide sti-
2 pends;

3 ~~(8) use applied educational research to assist in~~
4 ~~solving site-specific problems and to assist in devel-~~
5 ~~opment activities;~~

6 ~~(9) conduct applied research projects designed~~
7 ~~to serve the particular needs of the region only in~~
8 ~~the event that such quality applied research does not~~
9 ~~exist as determined by the regional education labora-~~
10 ~~tory or the Department of Education;~~

11 ~~(10) collaborate and coordinate services with~~
12 ~~other technical assistance providers funded by the~~
13 ~~Department of Education;~~

14 ~~(11) provide support and technical assistance~~
15 ~~in—~~

16 ~~(A) replicating and adapting exemplary~~
17 ~~and promising practices;~~

18 ~~(B) the development of high-quality, chal-~~
19 ~~lenging curriculum frameworks;~~

20 ~~(C) the development of valid, reliable as-~~
21 ~~sessments which are linked to State, local, or~~
22 ~~Bureau-funded content and student perform-~~
23 ~~ance standards and reflect recent advances in~~
24 ~~the field of educational assessment;~~

1 (D) the improvement of professional devel-
 2 opment strategies to assure that all teachers
 3 are prepared to teach a challenging curriculum;

4 (E) expanding and improving the use of
 5 technology in education to improve teaching
 6 and learning;

7 (F) the development of alternatives for re-
 8 structuring school finance systems to promote
 9 greater equity in the distribution of resources;
 10 and

11 (G) the development of alternative admin-
 12 istrative structures which are more conducive to
 13 planning, implementing, and sustaining school
 14 reform and improved educational outcomes; and

15 (12) bring teams of experts together to develop
 16 and implement school improvement plans and strate-
 17 gies.

18 (d) NETWORKING.—In order to improve the effi-
 19 ciency and effectiveness of the regional laboratories, the
 20 governing boards of the regional laboratories shall estab-
 21 lish and maintain a network to—

22 (1) share information about the activities each
 23 laboratory is carrying out;

24 (2) plan joint activities that would meet the
 25 needs of multiple regions;

1 ~~(3)~~ create a strategic plan for the development
 2 of activities undertaken by the laboratories to reduce
 3 redundancy and increase collaboration and resource-
 4 sharing in such activities; and

5 ~~(4)~~ otherwise devise means by which the work
 6 of the individual laboratories could serve national, as
 7 well as regional, needs.

8 ~~(e)~~ ADDITIONAL DUTIES.—Each regional education
 9 laboratory receiving assistance under this subsection shall
 10 carry out the following activities:

11 ~~(1)~~ Collaborate with the National Research
 12 Centers (referred to in the section as “Centers”) es-
 13 tablished under title I of this Act in order to—

14 ~~(A)~~ maximize the use of research con-
 15 ducted through the Centers in the work of such
 16 laboratory;

17 ~~(B)~~ keep the Centers apprised of the work
 18 of the regional educational laboratory in the
 19 field; and

20 ~~(C)~~ inform the Centers about additional re-
 21 search needs identified in the field.

22 ~~(2)~~ Consult with the State educational agencies
 23 and library agencies in the region in developing the
 24 plan for serving the region.

1 (3) Develop strategies to utilize schools as crit-
 2 ical components in reforming education and revital-
 3 izing rural communities in the United States.

4 (4) Report and disseminate information on
 5 overcoming the obstacles faced by rural educators
 6 and rural schools.

7 (5) Identify successful educational programs
 8 that have either been developed by such laboratory
 9 in carrying out such laboratory's functions or that
 10 have been developed or used by others within the re-
 11 gion served by the laboratory and make such infor-
 12 mation available to the Secretary and the network of
 13 regional laboratories so that such programs may be
 14 considered for inclusion in the national education
 15 dissemination system.

16 (f) CERTAIN REQUIREMENTS.—In carrying out its
 17 responsibilities, each regional educational laboratory
 18 shall—

19 (1) establish a governing board that—

20 (A) reflects a balanced representation of
 21 the States in the region, as well as the interests
 22 and concerns of regional constituencies, and
 23 that includes teachers and education research-
 24 ers;

25 (B) is the sole entity that—

1 (i) guides and directs the laboratory
2 in carrying out the provisions of this sub-
3 section and satisfying the terms and condi-
4 tions of the contract award;

5 (ii) determines the regional agenda of
6 the laboratory;

7 (iii) engages in an ongoing dialogue
8 with the Director concerning the labora-
9 tory's goals, activities, and priorities; and

10 (iv) determines at the start of the
11 contract period, subject to the require-
12 ments of this section and in consultation
13 with the Director, the mission of the re-
14 gional educational laboratory for the dura-
15 tion of the contract period;

16 (C) ensures that the regional educational
17 laboratory attains and maintains a high level of
18 quality in the laboratory's work and products;

19 (D) establishes standards to ensure that
20 the regional educational laboratory has strong
21 and effective governance, organization, manage-
22 ment, and administration, and employs quali-
23 fied staff;

24 (E) directs the regional educational labora-
25 tory to carry out the laboratory's duties in a

1 manner as will make progress toward achieving
2 the State education goals and reforming schools
3 and educational systems; and

4 (F) conducts a continuing survey of the
5 educational needs, strengths, and weaknesses
6 within the region, including a process of open
7 hearings to solicit the views of schools and
8 teachers.

9 (2) Allocate the regional educational labora-
10 tory's resources to and within each State in a man-
11 ner which reflects the need for assistance, taking
12 into account such factors as the proportion of eco-
13 nomically disadvantaged students, the increased cost
14 burden of service delivery in areas of sparse popu-
15 lations, and any special initiatives being undertaken
16 by State, intermediate, local educational agencies, or
17 Bureau-funded schools, as appropriate, which may
18 require special assistance from the laboratory.

19 (g) EVALUATIONS.—The Director shall provide for
20 independent evaluations of each of the regional edu-
21 cational laboratories in carrying out the duties described
22 in paragraph (1) in the third year that such laboratory
23 receives assistance under this subsection in accordance
24 with the standards developed by the Director and ap-
25 proved by the Board and shall transmit the results of such

1 evaluations to the relevant committees of the Congress,
 2 the Board, and the appropriate regional educational lab-
 3 oratory board.

4 (h) INVITATION REGARDING COMPETITION FOR
 5 AWARDS OF ASSISTANCE.—Prior to awarding a grant or
 6 entering into a contract under this section, the Director
 7 shall invite applicants, including the regional educational
 8 laboratories in existence on the day preceding the date of
 9 enactment of this Act, to compete for such award through
 10 notice in the Federal Register and in the publication of
 11 the Department of Commerce known as the Commerce
 12 Business Daily.

13 (i) APPLICATIONS.—

14 (1) SUBMISSION.—Each applicant desiring a
 15 contract as a regional educational laboratory shall
 16 submit an application at such time, in such manner,
 17 and containing such information as the Director
 18 may reasonably require.

19 (2) PLAN.—Each application submitted under
 20 paragraph (1) shall contain a 5-year plan for ear-
 21 rying out the activities described in subsection (e)
 22 and addresses the needs of all States (and to the ex-
 23 tent practicable, of local educational agencies) within
 24 the region served on an ongoing basis.

25 (j) AWARDING OF CONTRACTS.—

1 (1) IN GENERAL.—In awarding contracts under
2 this section, the Director shall—

3 (A) enter into contracts for a 5-year pe-
4 riod;

5 (B) ensure that regional educational lab-
6 oratories awarded a contract under this section
7 have strong and effective governance, organiza-
8 tion, management, and administration, and em-
9 ploy qualified staff.

10 (2) COORDINATION.—In order to ensure coordi-
11 nation and prevent unnecessary duplication of activi-
12 ties among the regions, the Director shall—

13 (A) share information about the activities
14 of each regional educational laboratory awarded
15 a contract under this section with each other
16 regional educational laboratories awarded a
17 contract under this section and with the De-
18 partment of Education, including the Director
19 of the Institute for Education Sciences and the
20 National Board for Education Sciences;

21 (B) oversee a strategic plan for ensuring
22 that each regional educational laboratory
23 awarded a contract under this section increases
24 collaboration and resource-sharing in such ac-
25 tivities;

1 (C) where appropriate, ensure that the ac-
2 tivities of each regional educational laboratory
3 awarded a contract under this section also serve
4 national interests; and

5 (D) ensure that each regional educational
6 laboratory awarded a contract under this sec-
7 tion coordinates such laboratory's activities with
8 the activities of each other regional technical
9 assistance providers.

10 (3) OUTREACH.—In conducting competitions
11 for contracts under this section, the Director shall—

12 (A) actively encourage regional educational
13 laboratories to compete for such awards by
14 making widely available information and tech-
15 nical assistance relating to the competition; and

16 (B) seek input from the chief executive of-
17 ficers of States, chief State school officers, edu-
18 cators, and parents regarding the need for ap-
19 plied research, dissemination, training, technical
20 assistance, and development activities author-
21 ized by this title in the regions to be served by
22 the regional educational laboratories and how
23 those educational needs could be addressed
24 most effectively.

1 (4) OBJECTIVES AND INDICATORS.—Before en-
 2 tering into a contract under this section, the Direc-
 3 tor shall design specific objectives and measurable
 4 indicators to be used to assess the particular pro-
 5 grams or initiatives, and ongoing progress and per-
 6 formance, of the regional educational laboratories, in
 7 order to ensure that the educational needs of the re-
 8 gion are being met and that the latest and best re-
 9 search and proven practices are being carried out as
 10 part of school improvement efforts.

11 (k) ACTIVITIES OF THE REGIONAL EDUCATIONAL
 12 LABORATORIES.—

13 (1) ASSESSMENT.—A regional educational lab-
 14 oratory shall conduct a biannual needs assessment of
 15 the region.

16 (2) REGIONAL SUPPORT ACTIVITIES.—A re-
 17 gional educational laboratory support applied re-
 18 search, development, dissemination, and technical
 19 assistance activities by—

20 (A) providing training and technical assist-
 21 ance to State departments of education and
 22 school districts regarding, at a minimum—

23 (i) the administration and implemen-
 24 tation of programs under the No Child

1 Left Behind Act of 2001 (Public Law
2 107–110);

3 (ii) scientifically valid research in edu-
4 cation on teaching methods and assess-
5 ment tools for use by teachers and admin-
6 istrators in, at a minimum—

7 (I) the core academic subjects of
8 mathematics, science, and reading;

9 (II) English language acquisition;
10 and

11 (III) education technology; and

12 (iii) the facilitation of communication
13 between education experts, school officials,
14 teachers, parents, and librarians, as appro-
15 priate;

16 (B) disseminating and providing scientif-
17 ically valid research, information, reports, and
18 publications that are usable for improving aca-
19 demic achievement, narrowing achievement
20 gaps, and encouraging and sustaining school
21 improvement, to—

22 (i) schools, educators, parents, and
23 policymakers within the region in which
24 the regional educational laboratory is lo-
25 cated; and

1 (ii) the Office of Educational Re-
2 sources and Dissemination;

3 ~~(C) carrying out applied research projects~~
4 that are designed to serve the particular edu-
5 cational needs in prekindergarten through
6 grade 16 of the region in which the regional
7 educational laboratory is located, that reflect
8 findings from scientifically valid research, and
9 that result in user-friendly, replicable classroom
10 applications geared toward promoting increased
11 student achievement; and

12 ~~(D) supporting development activities and~~
13 contributing to the current base of education
14 knowledge by addressing enduring problems in
15 elementary and secondary education and access
16 to postsecondary education.

17 ~~(2) COORDINATION AND COLLABORATION.—~~

18 Each regional educational laboratory awarded a con-
19 tract under this section shall coordinate its activi-
20 ties, collaborate, and regularly exchange information
21 with the Secretary, the Director of the Institute for
22 Education Sciences, the Office of Educational Re-
23 sources and Dissemination, and other appropriate
24 entities (including educational service agencies, as

1 defined in section 9101 of the Elementary and Sec-
 2 ondary Education Act of 1965 (20 U.S.C. 7801)).

3 (l) RULE OF CONSTRUCTION.—No regional edu-
 4 cational laboratory receiving assistance under this sub-
 5 section shall, by reason of the receipt of that assistance,
 6 be ineligible to receive any other assistance from the De-
 7 partment of Education as authorized by law or be prohib-
 8 ited from engaging in activities involving international
 9 projects or endeavors.

10 (m) ADVANCE PAYMENT SYSTEM.—Each regional
 11 educational laboratory shall participate in the advance
 12 payment system at the Department of Education.

13 (n) ADDITIONAL PROJECTS.—In addition to activities
 14 described in paragraph (3), the Director, from amounts
 15 appropriated pursuant to subsection (h), is authorized to
 16 enter into agreements with a regional educational labora-
 17 tory for the purpose of carrying out additional projects
 18 to enable such regional educational laboratory to assist in
 19 efforts to achieve the State education goals and for other
 20 purposes.

21 (o) PLAN.—Not later than July 1 of each year, each
 22 regional educational laboratory shall submit to the Direc-
 23 tor a plan covering the succeeding fiscal year, in which
 24 such laboratory's mission, activities, and scope of work are
 25 described, including a general description of—

1 (1) the plans such laboratory expects to submit
 2 in the remaining years of such laboratory's contract;
 3 and

4 (2) an assessment of how well such laboratory
 5 is meeting the needs of the region.

6 (p) CONSTRUCTION.—Nothing in this subsection
 7 shall be construed to require any modifications in the re-
 8 gional educational laboratory contracts in effect on the
 9 day preceding the date of enactment of this title.

10 **SEC. 204. COMPREHENSIVE CENTERS.**

11 (a) AUTHORIZATION.—The Secretary is authorized to
 12 award not less than 20 grants to local entities with dem-
 13 onstrated expertise in providing technical assistance and
 14 professional development to establish comprehensive cen-
 15 ters.

16 (b) SCOPE OF WORK.—Each comprehensive center
 17 established under this section shall work with local edu-
 18 cational agencies and schools in the region that takes into
 19 account factors such as the proportion of economically dis-
 20 advantaged students in the States, and gives priority to—

21 (1) schools in the States with high percentages
 22 or numbers of students from low-income families, as
 23 determined under section 1113(a)(5) of the Elemen-
 24 tary and Secondary Education Act of 1965 (20
 25 U.S.C. 6313(a)(5)), including such schools in rural

1 and urban areas, and schools receiving assistance
 2 under title I of that Act (20 U.S.C. 6301 et seq.);

3 ~~(2)~~ local educational agencies in the States in
 4 which high percentages or numbers of school-age
 5 children are from low-income families, as determined
 6 under section 1124(c)(1)(A) of the Elementary and
 7 Secondary Education Act of 1965 (20 U.S.C.
 8 6333(c)(1)(A)), including such local educational
 9 agencies in rural and urban areas; and

10 ~~(3)~~ schools in the States that have been identi-
 11 fied for school improvement under section 1116(b)
 12 of the Elementary and Secondary Education Act of
 13 1965 (20 U.S.C. 6316(b)).

14 ~~(c)~~ ACTIVITIES.—

15 ~~(1)~~ IN GENERAL.—A comprehensive center es-
 16 tablished under this section shall support dissemina-
 17 tion and technical assistance activities by—

18 ~~(A)~~ providing training and technical assist-
 19 ance regarding, at a minimum—

20 ~~(i)~~ the administration and implemen-
 21 tation of programs under the Elementary
 22 and Secondary Education Act of 1965 (20
 23 U.S.C. 6301 et seq.);

24 ~~(ii)~~ the use of scientifically valid
 25 teaching methods and assessment tools for

use by teachers and administrators in, at
a minimum—

(I) the core academic subjects of

mathematics, science, and reading or
language arts;

(II) English language acquisition;

and

(III) education technology; and

(iii) the facilitation of communication

between education experts, school officials,

teachers, parents, and librarians, as appropriate; and

(B) disseminating and providing information,

reports, and publications that are usable

for improving academic achievement, narrowing

achievement gaps, and encouraging and sustaining

school improvement, to schools, educators,

parents, and policymakers within the region

in which the center is located.

(2) COORDINATION AND COLLABORATION.—

Each comprehensive center established under this

section shall coordinate its activities, collaborate,

and regularly exchange information with the regional

educational laboratory in the region in which the

1 center is located; the Office of Knowledge Utilization
 2 and the Office of the Secretary.

3 ~~(d) COMPREHENSIVE CENTER BOARD.—~~

4 (1) ESTABLISHMENT.—Each comprehensive
 5 center established under this section shall have a
 6 board that shall establish the priorities of such cen-
 7 ter.

8 (2) DUTIES.—Each board established under
 9 paragraph (1) shall ensure that the comprehensive
 10 center—

11 (A) addresses school improvement through-
 12 out the region where the comprehensive center
 13 is located;

14 (B) targets high need school districts; and

15 (C) collaborates with other State service
 16 agencies and technical assistance providers.

17 ~~(3) COMPOSITION.—~~

18 (A) IN GENERAL.—Each board shall be
 19 composed of—

20 (i) the chief State school officers; or
 21 such officers' designees or other State offi-
 22 cials; in each State served by the com-
 23 prehensive center who has primary respon-
 24 sibility under State law for elementary and
 25 secondary education in the State; and

1 (ii) not more than 15 other members
2 who are representative of the educational
3 interests in the region served by the com-
4 prehensive center and is selected jointly by
5 the officials specified in clause (i) and the
6 chief executive officer of each State served
7 by the comprehensive center, including the
8 following:

9 (I) Representatives of local edu-
10 cational agencies, including represent-
11 atives of local educational agencies
12 serving urban and rural areas.

13 (II) Representatives of institu-
14 tions of higher education.

15 (III) Parents.

16 (IV) Practicing educators, includ-
17 ing classroom teachers, principals,
18 and administrators.

19 (V) Representatives of business.

20 (VI) Policymakers, expert practi-
21 tioners, and researchers with knowl-
22 edge of, and experience using, the re-
23 sults of research, evaluation, and sta-
24 tistics.

1 (B) SPECIAL RULE.—In the case of a
 2 State in which the chief executive officer has
 3 the primary responsibility under State law for
 4 elementary and secondary education in the
 5 State, the chief executive officer shall consult
 6 with the State educational agency in selecting
 7 additional members of the board under sub-
 8 paragraph (A)(i).

9 **SEC. 205. PRIORITIES AND EVALUATIONS.**

10 (a) PRIORITIES.—The Secretary may establish prior-
 11 ities for the comprehensive centers and the regional lab-
 12 oratories to address. The priorities shall directly cor-
 13 respond with the educational needs of the region.

14 (b) STANDARDS.—The Secretary shall establish
 15 standards, consistent with those established under section
 16 134(a) of the Education Sciences Reform Act of 2002, for
 17 the conduct of research and development and the dissemi-
 18 nation of scientifically based research by the regional enti-
 19 ties.

20 (c) EVALUATIONS.—The Secretary shall provide for
 21 ongoing independent evaluations of the comprehensive
 22 centers and regional laboratories receiving assistance
 23 under this title, the results of which shall be transmitted
 24 to the appropriate congressional committees and the Di-
 25 rector of the Institute for Education Sciences. Such eval-

uations shall include an analysis of the services provided under this title, the extent to which each of the regional educational laboratories meets the objectives of its respective plan, and whether such services meet the educational needs of State educational agencies, local educational agencies, and schools in the region.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title \$189,000,000 for fiscal year 2003 and such sums as may be necessary for each of the 5 succeeding fiscal years.

(b) LIMITATION.—Not more than 5 percent of the funds appropriated under subsection (a) for a fiscal year may be used to conduct the evaluations required under section 205(e).

TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

SEC. 301. SHORT TITLE.

This title may be referred to as the “National Assessment of Educational Progress Authorization Act”.

SEC. 302. DEFINITIONS.

In this title:

(1) The term “Director” means the Director of the Institute for Education Sciences.

1 ~~(2) The term “State” means each of the 50~~
 2 ~~States, the District of Columbia, and the Common-~~
 3 ~~wealth of Puerto Rico.~~

4 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

5 ~~(a) IN GENERAL.—~~There are authorized to be appro-
 6 ~~priated—~~

7 ~~(1) for fiscal year 2003—~~

8 ~~(A) \$4,600,000 to carry out section 302,~~
 9 ~~as amended by section 401 of this Act (relating~~
 10 ~~to the National Assessment Governing Board);~~
 11 ~~and~~

12 ~~(B) \$107,500,000 to carry out section 303,~~
 13 ~~as amended by section 401 of this Act (relating~~
 14 ~~to the National Assessment of Educational~~
 15 ~~Progress); and~~

16 ~~(2) such sums as may be necessary for each of~~
 17 ~~the 5 succeeding fiscal years to carry out sections~~
 18 ~~302 and 303, as amended by section 401 of this Act.~~

19 ~~(b) AVAILABILITY.—~~Amounts made available under
 20 ~~this section shall remain available until expended.~~

TITLE IV—AMENDATORY PROVISIONS

SEC. 401. REDESIGNATIONS.

(a) CONFIDENTIALITY.—Section 408 of the National Education Statistics Act of 1994 (20 U.S.C. 9007) is amended—

(1) by striking “center”, “Center”, and “Commissioner” each place any such term appears and inserting “Director”;

(2) in subsection (a)(2)(A), by striking “statistical purpose” and inserting “research, statistics, or evaluation purpose under this title”;

(3) by striking subsection (b)(1) and inserting the following:

“(1) IN GENERAL.—

“(A) DISCLOSURE.—No Federal department, bureau, agency, officer, or employee and no recipient of a Federal grant, contract, or cooperative agreement may, for any reason, require the Director, any Commissioner of a National Education Center, or any other employee of the Institute to disclose individually identifiable information that has been collected or retained under this title.

1 “(B) IMMUNITY.—Individually identifiable
 2 information collected or retained under this title
 3 shall be immune from legal process and shall
 4 not, without the consent of the individual con-
 5 cerned, be admitted as evidence or used for any
 6 purpose in any action, suit, or other judicial or
 7 administrative proceeding.

8 “(C) APPLICATION.—This paragraph does
 9 not apply to requests for individually identifi-
 10 able information submitted by or on behalf of
 11 the individual identified in the information.”;

12 (4) in paragraphs (2) and (6) of subsection (b);
 13 by striking “subsection (a)(2)” each place such term
 14 appears and inserting “subsection (c)(2)”;

15 (5) in paragraphs (3) and (7) of subsection (b);
 16 by striking “Center’s” each place such term appears
 17 and inserting “Director’s”; and

18 (6) by striking the section heading and trans-
 19 ferring all the subsections (including subsections (a)
 20 through (e)) and redesignating such subsections as
 21 subsections (c) through (e), respectively, at the end
 22 of section 183 of this Act.

23 (b) CONFORMING AMENDMENT.—Sections 302 and
 24 303 of this Act are redesignated as sections 304 and 305,
 25 respectively.

1 (e) NATIONAL ASSESSMENT GOVERNING BOARD.—

2 Section 412 of the National Education Statistics Act of
3 1994 (20 U.S.C. 9011) is amended—

4 (1) in subsection (a)—

5 (A) by striking “referred to as the
6 ‘Board’ ” and inserting “referred to as the
7 ‘Assessment Board’ ”; and

8 (B) by inserting “(carried out under sec-
9 tion 303)” after “for the National Assessment”;

10 (2) by striking “Board” each place such term
11 appears (other than in subsection (a)) and inserting
12 “Assessment Board”;

13 (3) by striking “Commissioner” each place such
14 term appears and inserting “Commissioner for Edu-
15 cation Statistics”;

16 (4) in subsection (b)(2)—

17 (A) by striking “ASSISTANT SECRETARY
18 FOR EDUCATIONAL RESEARCH” in the heading
19 and inserting “DIRECTOR OF THE INSTITUTE
20 FOR EDUCATION SCIENCES”; and

21 (B) by striking “Assistant Secretary for
22 Educational Research and Improvement” and
23 inserting “Director of the Institute for Edu-
24 cation Sciences”;

25 (5) in subsection (c)—

1 (A) in paragraph (1)—

2 (i) in subparagraph (A), by striking
3 “section 411(b)” and inserting “section
4 303(b)”;

5 (ii) in subparagraph (B), by striking
6 “section 411(e)” and inserting “section
7 303(e)”;

8 (iii) in subparagraph (E), by striking
9 “,” including the Advisory Council estab-
10 lished under section 407”;

11 (iv) in subparagraphs (F) and (I), by
12 striking “section 411” each place such
13 term appears and inserting “section 303”;

14 (v) in subparagraph (H), by striking
15 “and” after the semicolon;

16 (vi) in subparagraph (I), by striking
17 the period at the end and inserting “,
18 and”; and

19 (vii) by inserting at the end the fol-
20 lowing:

21 “(J) release data pertaining to the Na-
22 tional Assessment of Educational Progress.”;

23 (B) in paragraph (5), by striking “and the
24 Advisory Council on Education Statistics”; and

1 (C) in paragraph (6), by striking “section
2 411(e)” and inserting “section 303(e)”; and
3 (6) by transferring and redesignating the sec-
4 tion as section 302 (following section 301) of title
5 III of this Act.

6 (d) NATIONAL ASSESSMENT OF EDUCATIONAL
7 PROGRESS.—Section 411 of the National Education Sta-
8 tistics Act of 1994 (20 U.S.C. 9010) is amended—

9 (1) by striking “Commissioner” each place such
10 term appears and inserting “Commissioner for Edu-
11 cation Statistics”;

12 (2) by striking “National Assessment Governing
13 Board” and “National Board” each place either
14 such term appears and inserting “Assessment
15 Board”;

16 (3) in subsection (a)—

17 (A) by striking “section 412” and insert-
18 ing “section 302”;

19 (B) by striking “and with the technical as-
20 sistance of the Advisory Council established
21 under section 407,”; and

22 (C) by inserting “(awarded by the Direc-
23 tor, acting through the Commissioner for Edu-
24 cation Statistics)” after “cooperative agree-
25 ments”;

1 (4) in subsection (b)—

2 (A) in paragraph (1), by inserting “of”
3 after “academic achievement and reporting”;

4 (B) in paragraph (3)(A)—

5 (i) in clause (i), by striking
6 “paragraphs (1)(B) and (1)(E)” and in-
7 serting “paragraphs (2)(B) and (2)(E)”;

8 (ii) in clause (ii), by striking
9 “paragraph (1)(C)” and inserting
10 “paragraph (2)(C)”; and

11 (iii) in clause (iii), by striking
12 “paragraph (1)(D)” and inserting
13 “paragraph (2)(D)”; and

14 (C) in paragraph (5), by striking “(e)(2)”
15 and inserting “(e)(3)”;

16 (5) in subsection (e)(2)(D), by striking
17 “subparagraph (B)” and inserting “subparagraph
18 (C)”;

19 (6) in subsection (e)(4), by striking
20 “subparagraph (2)(C)” and inserting “paragraph
21 (2)(C) of such subsection”;

22 (7) in subsection (f)(1)(B)(iv), by striking
23 “section 412(e)(4)” and inserting “section
24 302(e)(4)”; and

1 (8) by transferring and redesignating the sec-
 2 tion as section 303 (following section 302) of title
 3 III of this Act.

4 (c) TABLE OF CONTENTS AMENDMENT.—The items
 5 relating to title III in the table of contents of this Act,
 6 as amended by section 401 of this Act, are amended to
 7 read as follows:

“TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL
 PROGRESS

“Sec. 301. Short title.

“Sec. 302. National Assessment Governing Board.

“Sec. 303. National Assessment of Educational Progress.

“Sec. 304. Definitions.

“Sec. 305. Authorization of appropriations.”.

8 **SEC. 402. AMENDMENTS TO DEPARTMENT OF EDUCATION**
 9 **ORGANIZATION ACT.**

10 The Department of Education Organization Act (20
 11 U.S.C. 3401 et seq.) is amended—

12 (1) by striking section 202(b)(4) and inserting
 13 the following:

14 “(4) There shall be in the Department a Director of
 15 the Institute for Education Sciences who shall be ap-
 16 pointed in accordance with section 114(a) of the Edu-
 17 cation Sciences Reform Act of 2002 and perform the du-
 18 ties described in that Act.”;

19 (2) by striking section 208 and inserting the
 20 following:

1 “INSTITUTE FOR EDUCATION SCIENCES

2 “SEC. 208. There shall be in the Department of Edu-
3 cation an Institute for Education Sciences, which shall be
4 administered in accordance with the Education Sciences
5 Reform Act of 2002 by the Director appointed under sec-
6 tion 114(a) of that Act.”; and

7 (3) by striking the item relating to section 208
8 in the table of contents in section 1 and inserting
9 the following:

“Sec. 208. Institute for Education Sciences.”.

10 **SEC. 403. REPEALS.**

11 The following provisions of law are repealed:

12 (1) The National Education Statistics Act of
13 1994 (20 U.S.C. 9001 et seq.).

14 (2) Parts A through E and K through N of the
15 Educational Research, Development, Dissemination,
16 and Improvement Act of 1994 (title IX of the Goals
17 2000: Educate America Act) (20 U.S.C. 6001 et
18 seq.).

19 (3) Section 401(b)(2) of the Department of
20 Education Organization Act (20 U.S.C. 3461(b)(2)).

21 **SEC. 404. CONFORMING AND TECHNICAL AMENDMENTS.**

22 (a) GOALS 2000: EDUCATE AMERICA ACT.—The
23 table of contents in section 1(b) of the Goals 2000: Edu-
24 cate America Act (20 U.S.C. 5801 note) is amended by
25 striking the items relating to parts A through E of title

1 IX (including the items relating to sections within those
2 parts):

3 (b) TITLE 5, UNITED STATES CODE.—Section 5315
4 of title 5, United States Code, is amended by striking the
5 following:

6 “Commissioner, National Center for Education Sta-
7 tistics.”.

8 (c) GENERAL EDUCATION PROVISIONS ACT.—Sec-
9 tion 447(b) of the General Education Provisions Act (20
10 U.S.C. 1232j(b)) is amended by striking “section
11 404(a)(6) of the National Education Statistics Act of
12 1994 (20 U.S.C. 9003(a)(6))” and inserting “section
13 153(a)(5) of the Education Sciences Reform Act of 2002”.

14 (d) ELEMENTARY AND SECONDARY EDUCATION ACT
15 OF 1965.—The Elementary and Secondary Education Act
16 of 1965 (20 U.S.C. 6301 et seq.) is amended as follows:

17 (1) Section 1111(e)(2) is amended by striking
18 “section 411(b)(2) of the National Education Statis-
19 tics Act of 1994” and inserting “section 303(b)(2)
20 of the National Assessment of Educational Progress
21 Authorization Act”.

22 (2) Section 1112(b)(1)(F) is amended by strik-
23 ing “section 411(b)(2) of the National Education
24 Statistics Act of 1994” and inserting “section

1 ~~303(b)(2)~~ of the National Assessment of Edu-
 2 ~~ational Progress Authorization Act~~”.

3 ~~(3)~~ Section ~~1117(a)(3)~~ is amended—

4 (A) by inserting “(as such section existed
 5 on the day before the date of enactment of the
 6 Education Sciences Reform Act of 2002)” after
 7 “Act of 1994”; and

8 (B) by inserting “regional educational lab-
 9 oratories and comprehensive centers established
 10 under the Regional Assistance Act of 2002
 11 and” after “assistance from”.

12 ~~(4)~~ Section ~~1501(a)(3)~~ is amended by striking
 13 “section 411 of the National Education Statistics
 14 Act of 1994” and inserting “section 303 of the Na-
 15 tional Assessment of Educational Progress Author-
 16 ization Act”.

17 ~~(5)~~ The following provisions are each amended
 18 by striking “Office of Educational Research and Im-
 19 provement” and inserting “Institute for Education
 20 Sciences”.

21 (A) Section ~~3222(a)~~ (20 U.S.C. 6932(a)).

22 (B) Section ~~3303(1)~~ (20 U.S.C. 7013(1)).

23 (C) Section ~~5464(e)(1)~~ (20 U.S.C.
 24 ~~7253e(e)(1)~~).

1 (D) Paragraphs (1) and (2) of section
2 5615(d) (20 U.S.C. 7283d(d)).

3 (E) Paragraphs (1) and (2) of section
4 7131(e) (20 U.S.C. 7451(e)).

5 (6) Paragraphs (1) and (2) of section 5464(e)
6 (20 U.S.C. 7253e(e)) are each amended by striking
7 “such Office” and inserting “such Institute”.

8 (7) Section 5613 (20 U.S.C. 7283b) is amend-
9 ed—

10 (A) in subsection (a)(5), by striking
11 “Assistant Secretary of the Office of Edu-
12 cational Research and Improvement” and in-
13 serting “Director of the Institute for Education
14 Sciences”; and

15 (B) in subsection (b)(2)(B), by striking
16 “research institutes of the Office of Educational
17 Research and Improvement” and inserting
18 “National Education Centers of the Institute
19 for Education Sciences”.

20 (8) Sections 5615(d)(1) and 7131(e)(1) (20
21 U.S.C. 7283d(d)(1), 7451(e)(1)) are each amended
22 by striking “by the Office” and inserting “by the In-
23 stitute”.

24 (9) Section 9529(b) is amended by striking
25 “section 404(a)(6) of the National Education Statis-

1 ties Act of 1994” and inserting “section 153(a)(5)
2 of the Education Sciences Reform Act of 2002”.

3 (c) ~~SCHOOL-TO-WORK OPPORTUNITIES ACT OF~~
4 1994.—Section 404 of the School-to-Work Opportunities
5 Act of 1994 (20 U.S.C. 6194) is amended by inserting
6 “(as such Act existed on the day before the date of enact-
7 ment of the Education Sciences Reform Act of 2002)”
8 after “Act of 1994”.

9 **SEC. 405. EFFECTIVE DATE.**

10 This Act and the amendments made by this Act shall
11 take effect on October 1, 2002.

12 **SEC. 406. SEVERABILITY.**

13 If any provision of this Act, or the application of such
14 provision to any person or circumstance, is held invalid,
15 the remainder of this Act, or the application of such provi-
16 sion to persons or circumstances other than those as to
17 which the provision is held invalid, shall not be affected
18 thereby.

19 **SEC. 407. ORDERLY TRANSITION.**

20 The Secretary of Education shall take such steps as
21 are necessary to provide for the orderly transition to, and
22 implementation of, the offices, boards, committees, and
23 centers (and their various functions and responsibilities)
24 established or authorized by this Act, and by the amend-
25 ments made by this Act, from those established or author-

1 ized by the Educational Research, Development, Dissemi-
 2 nation, and Improvement Act of 1994 (20 U.S.C. 6001
 3 et seq.) and the National Education Statistics Act of 1994
 4 (20 U.S.C. 9001 et seq.).

5 **SECTION 1. TABLE OF CONTENTS.**

6 *The table of contents for this Act is as follows:*

Sec. 1. Table of contents.

TITLE I—EDUCATION SCIENCES REFORM

Sec. 101. Short title.

Sec. 102. Definitions.

PART A—THE UNITED STATES INSTITUTE FOR EDUCATION SCIENCES

Sec. 111. Establishment.

Sec. 112. Functions.

Sec. 113. Delegation.

Sec. 114. Office of the Director.

Sec. 115. Priorities.

Sec. 116. National Board for Education Sciences.

Sec. 117. Commissioners of the National Education Centers.

Sec. 118. Agreements.

Sec. 119. Biennial report.

Sec. 120. Competitive awards.

PART B—NATIONAL CENTER FOR EDUCATION RESEARCH

Sec. 131. Establishment.

Sec. 132. Commissioner for Education Research.

Sec. 133. Duties.

Sec. 134. Standards for conduct and evaluation of research.

PART C—NATIONAL CENTER FOR EDUCATION STATISTICS

Sec. 141. Establishment.

Sec. 142. Commissioner for Education Statistics.

Sec. 143. Duties.

Sec. 144. Performance of duties.

Sec. 145. Reports.

Sec. 146. Dissemination.

Sec. 147. Cooperative education statistics systems.

Sec. 148. State defined.

PART D—NATIONAL CENTER FOR EDUCATION EVALUATION

Sec. 161. Establishment.

Sec. 162. Commissioner for Education Evaluation.

Sec. 163. Duties.

*PART E—NATIONAL CENTER FOR KNOWLEDGE UTILIZATION IN EDUCATION**Sec. 171. National Center for Knowledge Utilization in Education.**Sec. 172. Regional educational laboratories for research, development, dissemination, and technical assistance.**PART F—GENERAL PROVISIONS**Sec. 181. Interagency data sources and formats.**Sec. 182. Prohibitions.**Sec. 183. Confidentiality.**Sec. 184. Availability of data.**Sec. 185. Performance management.**Sec. 186. Authority to publish.**Sec. 187. Vacancies.**Sec. 188. Scientific or technical employees.**Sec. 189. Fellowships.**Sec. 190. Voluntary service.**Sec. 191. Rulemaking.**Sec. 192. Authorization of appropriations.**TITLE II—REGIONAL EDUCATIONAL TECHNICAL ASSISTANCE**Sec. 201. Short title.**Sec. 202. Definitions.**Sec. 203. Comprehensive centers.**Sec. 204. Priorities and evaluations.**Sec. 205. Clearinghouses.**Sec. 206. Existing technical assistance providers.**Sec. 207. Study.**Sec. 208. Grant program for statewide, longitudinal data systems.**Sec. 209. Authorization of appropriations.**TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS**Sec. 301. Short title.**Sec. 302. Definitions.**Sec. 303. Authorization of appropriations.**TITLE IV—AMENDATORY PROVISIONS**Sec. 401. Redesignations.**Sec. 402. Amendments to department of education organization act.**Sec. 403. Repeals.**Sec. 404. Conforming and technical amendments.**Sec. 405. Effective date.**Sec. 406. Orderly transition.*

1 ***TITLE I—EDUCATION SCIENCES***
 2 ***REFORM***

3 ***SEC. 101. SHORT TITLE.***

4 *This title may be cited as the “Education Sciences Re-*
 5 *form Act of 2002”.*

6 ***SEC. 102. DEFINITIONS.***

7 *In this title:*

8 (1) *IN GENERAL.*—*The terms “elementary*
 9 *school”, “secondary school”, “local educational agen-*
 10 *cy”, and “State educational agency” have the mean-*
 11 *ings given those terms in section 9101 of the Elemen-*
 12 *tary and Secondary Education Act of 1965 (20*
 13 *U.S.C. 7801) and the terms “freely associated states”*
 14 *and “outlying area” have the meanings given those*
 15 *terms in section 1121(c) of such Act (20 U.S.C.*
 16 *6331(c)).*

17 (2) *APPLIED RESEARCH.*—*The term “applied re-*
 18 *search” means research—*

19 (A) *to gain knowledge or understanding*
 20 *necessary for determining the means by which a*
 21 *recognized and specific need may be met; and*

22 (B) *that is specifically directed to the ad-*
 23 *vancement of practice in the field of education.*

24 (3) *BASIC RESEARCH.*—*The term “basic re-*
 25 *search” means research—*

1 (A) to gain fundamental knowledge or un-
2 derstanding of phenomena and observable facts,
3 without specific application toward processes or
4 products; and

5 (B) for the advancement of knowledge in the
6 field of education.

7 (4) BOARD.—The term “Board” means the Na-
8 tional Board for Education Sciences established under
9 section 116.

10 (5) BUREAU.—The term “Bureau” means the
11 Bureau of Indian Affairs.

12 (6) COMPREHENSIVE CENTER.—The term
13 “comprehensive center” means a comprehensive center
14 established under section 203 of the Regional Assist-
15 ance Act of 2002.

16 (7) DEPARTMENT.—The term “Department”
17 means the Department of Education.

18 (8) DEVELOPMENT.—The term “development”
19 means the systematic use of knowledge or under-
20 standing gained from the findings of scientifically
21 valid research and the shaping of that knowledge or
22 understanding into products or processes that can be
23 applied and evaluated and may prove useful in areas
24 such as the preparation of materials and new methods
25 of instruction and practices in teaching, that lead to

1 *the improvement of the academic skills of students,*
 2 *and that are replicable in different educational set-*
 3 *tings.*

4 (9) *DIRECTOR.*—*The term “Director” means the*
 5 *Director of the United States Institute for Education*
 6 *Sciences.*

7 (10) *DISSEMINATION.*—*The term*
 8 *“dissemination” means the communication and*
 9 *transfer of the results of scientifically valid research,*
 10 *statistics, and evaluations, in forms that are under-*
 11 *standable, easily accessible, and usable, or adaptable*
 12 *for use in, the improvement of educational practice by*
 13 *teachers, administrators, librarians, other practi-*
 14 *tioners, researchers, parents, policymakers, and the*
 15 *public, through publications, electronic transfer, and*
 16 *other means.*

17 (11) *EARLY CHILDHOOD EDUCATOR.*—*The term*
 18 *“early childhood educator” means a person providing,*
 19 *or employed by a provider of, nonresidential child*
 20 *care services (including center-based, family-based,*
 21 *and in-home child care services) that is legally oper-*
 22 *ating under State law, and that complies with appli-*
 23 *cable State and local requirements for the provision*
 24 *of child care services to children at any age from*

1 *birth through the age at which a child may start kin-*
 2 *dergarten in that State.*

3 (12) *FIELD-INITIATED RESEARCH.*—*The term*
 4 *“field-initiated research” means basic research or ap-*
 5 *plied research in which specific questions and meth-*
 6 *ods of study are generated by investigators (including*
 7 *teachers and other practitioners) and that conforms to*
 8 *standards of scientifically valid research.*

9 (13) *HISTORICALLY BLACK COLLEGE OR UNIVER-*
 10 *SITY.*—*The term “historically Black college or univer-*
 11 *sity” means a part B institution as defined in section*
 12 *322 of the Higher Education Act of 1965 (20 U.S.C.*
 13 *1061).*

14 (14) *INSTITUTE.*—*The term “Institute” means*
 15 *the United States Institute for Education Sciences es-*
 16 *tablished under section 111.*

17 (15) *INSTITUTION OF HIGHER EDUCATION.*—*The*
 18 *term “institution of higher education” has the mean-*
 19 *ing given that term in section 101(a) of the Higher*
 20 *Education Act of 1965 (20 U.S.C. 1001(a)).*

21 (16) *NATIONAL RESEARCH AND DEVELOPMENT*
 22 *CENTER.*—*The term “national research and develop-*
 23 *ment center” means a research and development cen-*
 24 *ter supported under section 133(c).*

1 (17) *PROVIDER OF EARLY CHILDHOOD SERV-*
 2 *ICES.*—

3 (A) *IN GENERAL.*—*The term “provider of*
 4 *early childhood services” means a public or pri-*
 5 *vate entity that has regular contact with young*
 6 *children.*

7 (B) *INCLUSIONS.*—*The term “provider of*
 8 *early childhood services” includes—*

9 (i) *child care providers;*

10 (ii) *Head Start agencies operating*
 11 *Head Start programs, and entities carrying*
 12 *out Early Head Start programs, under the*
 13 *Head Start Act (42 U.S.C. 9831 et seq.);*

14 (iii) *preschools;*

15 (iv) *kindergartens; and*

16 (v) *libraries.*

17 (18) *SCIENTIFICALLY BASED RESEARCH STAND-*
 18 *ARDS.*—

19 (A) *IN GENERAL.*—*The term “scientifically*
 20 *based research standards” means research stand-*
 21 *ards that—*

22 (i) *apply rigorous, systematic, and ob-*
 23 *jective methodology to obtain reliable and*
 24 *valid knowledge relevant to education ac-*
 25 *tivities and programs; and*

1 (ii) present findings and make claims
 2 that are appropriate to and supported by
 3 the methods that have been employed.

4 (B) *INCLUSIONS*.—The term “scientifically
 5 based research standards” includes, appropriate
 6 to the research being conducted—

7 (i) employing systematic, empirical
 8 methods that draw on observation or experi-
 9 ment;

10 (ii) involving data analyses that are
 11 adequate to support the general findings;

12 (iii) relying on measurements or obser-
 13 vational methods that provide reliable data;

14 (iv) making claims of causal relation-
 15 ships only in random assignment experi-
 16 ments or other designs (to the extent such
 17 designs substantially eliminate plausible
 18 competing explanations for the obtained re-
 19 sults);

20 (v) ensuring that studies and methods
 21 are presented in sufficient detail and clarity
 22 to allow for replication or, at a minimum,
 23 to offer the opportunity to build systemati-
 24 cally on the findings of the research;

(vi) obtaining acceptance by a peer-reviewed journal or approval by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

(vii) using research designs and methods appropriate to the research question posed.

(19) *SCIENTIFICALLY VALID EDUCATION EVALUATION.*—The term “scientifically valid education evaluation” means an evaluation that—

(A) adheres to the highest possible standards of quality with respect to research design and statistical analysis;

(B) provides an adequate description of the programs evaluated and, to the extent possible, examines the relationship between program implementation and program impacts;

(C) provides an analysis of the results achieved by the program with respect to its projected effects;

(D) employs experimental designs using random assignment, when feasible, and other research methodologies that allow for the strongest

1 *possible causal inferences when random assign-*
 2 *ment is not feasible; and*

3 *(E) may study program implementation*
 4 *through a combination of scientifically valid and*
 5 *reliable methods.*

6 (20) *SCIENTIFICALLY VALID RESEARCH.*—*The*
 7 *term “scientifically valid research” includes applied*
 8 *research and basic research in which the rationale,*
 9 *design, and interpretation are soundly developed in*
 10 *accordance with scientifically based research stand-*
 11 *ards.*

12 (21) *SECRETARY.*—*The term “Secretary” means*
 13 *the Secretary of Education.*

14 (22) *STATE.*—*The term “State” includes (except*
 15 *as provided in section 148) each of the 50 States, the*
 16 *District of Columbia, the Commonwealth of Puerto*
 17 *Rico, the freely associated states, and the outlying*
 18 *areas.*

19 (23) *TECHNICAL ASSISTANCE.*—*The term*
 20 *“technical assistance” means—*

21 *(A) assistance in identifying, selecting, or*
 22 *designing solutions based on scientifically valid*
 23 *research, including professional development and*
 24 *high-quality training to implement solutions*
 25 *leading to—*

- 1 (i) improved practices and classroom
 2 instruction; and
- 3 (ii) improved planning, design, and
 4 administration of programs;
- 5 (B) assistance in interpreting, analyzing,
 6 and utilizing statistics and evaluations; and
- 7 (C) other assistance necessary to encourage
 8 the improvement of teaching and learning
 9 through the applications of techniques supported
 10 by scientifically valid research.

11 **PART A—THE UNITED STATES INSTITUTE**
 12 **FOR EDUCATION SCIENCES**

13 **SEC. 111. ESTABLISHMENT.**

14 (a) *ESTABLISHMENT.*—There shall be in the Depart-
 15 ment the United States Institute for Education Sciences,
 16 to be administered by a Director (as described in section
 17 114) and a board of directors (as described in section 116).

18 (b) *MISSION.*—

19 (1) *IN GENERAL.*—The mission of the Institute is
 20 to provide national leadership in expanding funda-
 21 mental knowledge and understanding of education
 22 from early childhood through postsecondary study, in
 23 order to provide parents, educators, students, re-
 24 searchers, policymakers, and the general public with
 25 reliable information about—

1 (A) *the condition and progress of education*
2 *in the United States, including early childhood*
3 *education;*

4 (B) *educational practices that support*
5 *learning and improve academic achievement and*
6 *educational equity for all students; and*

7 (C) *the effectiveness of Federal and other*
8 *education programs.*

9 (2) *CARRYING OUT MISSION.—In carrying out*
10 *the mission described in paragraph (1), the Institute*
11 *shall compile statistics, develop products, and conduct*
12 *research, evaluations, and wide dissemination activi-*
13 *ties in areas of demonstrated national need*
14 *(including in technology areas) that are supported by*
15 *Federal funds appropriated to the Institute and en-*
16 *sure that such activities—*

17 (A) *conform to high standards of quality,*
18 *integrity, and accuracy; and*

19 (B) *are objective, secular, neutral, and non-*
20 *ideological and are free of partisan political in-*
21 *fluence and racial, cultural, gender, or regional*
22 *bias.*

23 (c) *ORGANIZATION.—The Institute shall consist of the*
24 *following:*

1 (1) *The Office of the Director (as described in*
2 *section 114).*

3 (2) *The National Board for Education Sciences*
4 *(as described in section 116).*

5 (3) *The National Education Centers, which in-*
6 *clude—*

7 (A) *the National Center for Education Re-*
8 *search (as described in part B);*

9 (B) *the National Center for Education Sta-*
10 *tistics (as described in part C);*

11 (C) *the National Center for Education*
12 *Evaluation (as described in part D); and*

13 (D) *the National Center for Knowledge Uti-*
14 *lization in Education (as described in part E).*

15 **SEC. 112. FUNCTIONS.**

16 *From funds appropriated under section 192, the Insti-*
17 *tute, directly or through grants, contracts, or cooperative*
18 *agreements, shall—*

19 (1) *conduct and support scientifically valid re-*
20 *search activities, including basic research and applied*
21 *research, statistics activities, scientifically valid edu-*
22 *cation evaluation, development, and wide dissemina-*
23 *tion;*

24 (2) *widely disseminate the findings and results*
25 *of scientifically valid research in education;*

1 (3) *promote the use, development, and applica-*
 2 *tion of knowledge gained from scientifically valid re-*
 3 *search activities;*

4 (4) *strengthen the national capacity to conduct,*
 5 *develop, and widely disseminate scientifically valid*
 6 *research in education;*

7 (5) *promote the coordination, development, and*
 8 *dissemination of scientifically valid research in edu-*
 9 *cation within the Department and the Federal Gov-*
 10 *ernment; and*

11 (6) *promote the use and application of research*
 12 *and development to improve practice in the class-*
 13 *room.*

14 **SEC. 113. DELEGATION.**

15 (a) *DELEGATION OF AUTHORITY.*—*Notwithstanding*
 16 *section 412 of the Department of Education Organization*
 17 *Act (20 U.S.C. 3472), the Secretary shall delegate to the*
 18 *Director all functions for carrying out this title (other than*
 19 *administrative and support functions), except that—*

20 (1) *nothing in this title or in the National As-*
 21 *essment of Educational Progress Authorization Act*
 22 *(except section 302(e)(1)(J) of such Act) shall be con-*
 23 *strued to alter or diminish the role, responsibilities,*
 24 *or authority of the National Assessment Governing*
 25 *Board with respect to the National Assessment of*

1 *Educational Progress (including with respect to the*
 2 *methodologies of the National Assessment of Edu-*
 3 *cational Progress) from those authorized by the Na-*
 4 *tional Education Statistics Act of 1994 (20 U.S.C.*
 5 *9001 et seq.) on the day before the date of enactment*
 6 *of this Act;*

7 *(2) members of the National Assessment Gov-*
 8 *erning Board shall continue to be appointed by the*
 9 *Secretary;*

10 *(3) section 302(f)(1) of the National Assessment*
 11 *of Educational Progress Authorization Act shall*
 12 *apply to the National Assessment Governing Board in*
 13 *the exercise of its responsibilities under this Act;*

14 *(4) sections 115 and 116 shall not apply to the*
 15 *National Assessment of Educational Progress; and*

16 *(5) sections 115 and 116 shall not apply to the*
 17 *National Assessment Governing Board.*

18 **(b) OTHER ACTIVITIES.**—*The Secretary may assign*
 19 *the Institute responsibility for administering other activi-*
 20 *ties, if those activities are consistent with—*

21 *(1) the Institute’s priorities, as approved by the*
 22 *National Board for Education Sciences under section*
 23 *116, and the Institute’s mission, as described in sec-*
 24 *tion 111(b); or*

1 (2) *the Institute's mission, but only if those ac-*
 2 *tivities do not divert the Institute's focus from activi-*
 3 *ties that are consistent with its priorities and mis-*
 4 *sion.*

5 **SEC. 114. OFFICE OF THE DIRECTOR.**

6 (a) *APPOINTMENT.*—*Except as provided in subsection*
 7 *(b)(2), the President, by and with the advice and consent*
 8 *of the Senate, shall appoint the Director of the Institute.*

9 (b) *TERM.*—

10 (1) *IN GENERAL.*—*The Director shall serve for a*
 11 *term of 6 years, beginning on the date of appointment*
 12 *of the Director.*

13 (2) *FIRST DIRECTOR.*—*The President, without*
 14 *the advice and consent of the Senate, may appoint the*
 15 *Assistant Secretary for the Office of Educational Re-*
 16 *search and Improvement (as such office existed on the*
 17 *day before the date of enactment of this Act) to serve*
 18 *as the first Director of the Institute.*

19 (3) *SUBSEQUENT DIRECTORS.*—*The Board may*
 20 *make recommendations to the President with respect*
 21 *to the appointment of a Director under subsection (a),*
 22 *other than a Director appointed under paragraph (2).*

23 (c) *PAY.*—*The Director shall receive the rate of basic*
 24 *pay for level II of the Executive Schedule.*

1 (d) *QUALIFICATIONS.*—*The Director shall be selected*
 2 *from individuals who are highly qualified authorities in the*
 3 *fields of scientifically valid research, development, statistics,*
 4 *or evaluation in education, as well as management within*
 5 *such areas, and have a demonstrated capacity for sustained*
 6 *productivity and leadership in these areas.*

7 (e) *ADMINISTRATION.*—*The Director shall—*

8 (1) *administer, oversee, and coordinate the ac-*
 9 *tivities carried out under the Institute, including the*
 10 *activities of the National Education Centers; and*

11 (2) *coordinate and approve budgets and oper-*
 12 *ating plans for each of the National Education Cen-*
 13 *ters for submission to the Secretary.*

14 (f) *DUTIES.*—*The duties of the Director shall include*
 15 *the following:*

16 (1) *To propose to the Board priorities for the In-*
 17 *stitute, in accordance with section 115(a).*

18 (2) *To ensure the methodology applied in con-*
 19 *ducting research, development, evaluation, and statis-*
 20 *tical analysis is consistent with the standards for*
 21 *such activities under this title.*

22 (3) *To coordinate education research and related*
 23 *activities carried out by the Institute with such re-*
 24 *search and activities carried out by other agencies*
 25 *within the Department and the Federal Government.*

1 (4) *To advise the Secretary on research, evalua-*
2 *tion, and statistics activities relevant to the activities*
3 *of the Department.*

4 (5) *To establish necessary procedures for tech-*
5 *nical and scientific peer review of the activities of the*
6 *Institute, consistent with section 116(b)(3).*

7 (6) *To ensure that all participants in research*
8 *conducted or supported by the Institute are afforded*
9 *their privacy rights and other relevant protections as*
10 *research subjects, in accordance with section 183 of*
11 *this title, section 552a of title 5, United States Code,*
12 *and sections 444 and 445 of the General Education*
13 *Provisions Act (20 U.S.C. 1232g, 1232h).*

14 (7) *To ensure that activities conducted or sup-*
15 *ported by the Institute are objective, secular, neutral,*
16 *and nonideological and are free of partisan political*
17 *influence and racial, cultural, gender, or regional*
18 *bias.*

19 (8) *To undertake initiatives and programs to in-*
20 *crease the participation of researchers and institu-*
21 *tions that have been historically underutilized in Fed-*
22 *eral education research activities of the Institute, in-*
23 *cluding historically Black colleges or universities or*
24 *other institutions of higher education with large num-*
25 *bers of minority students.*

1 (9) *To coordinate with the Secretary to promote*
 2 *and provide for the coordination of research and de-*
 3 *velopment activities and technical assistance activi-*
 4 *ties between the Institute and comprehensive centers.*

5 (10) *To solicit and consider the recommendations*
 6 *of education stakeholders, in order to ensure that there*
 7 *is broad and regular public and professional input*
 8 *from the educational field in the planning and car-*
 9 *rying out of the Institute's activities.*

10 (11) *To coordinate the wide dissemination of in-*
 11 *formation on scientifically valid research.*

12 (12) *To carry out and support other activities*
 13 *consistent with the priorities and mission of the Insti-*
 14 *tute.*

15 (g) *EXPERT GUIDANCE AND ASSISTANCE.—The Direc-*
 16 *tor may establish technical and scientific peer-review*
 17 *groups and scientific program advisory committees for re-*
 18 *search and evaluations that the Director determines are nec-*
 19 *essary to carry out the requirements of this title. The Direc-*
 20 *tor shall appoint such personnel, except that officers and*
 21 *employees of the United States shall comprise no more than*
 22 *1/4 of the members of any such group or committee and shall*
 23 *not receive additional compensation for their service as*
 24 *members of such a group or committee. The Director shall*
 25 *ensure that reviewers are highly qualified and capable to*

1 *appraise education research and development projects. The*
 2 *Federal Advisory Committee Act (5 U.S.C. App.) shall not*
 3 *apply to a peer-review group or an advisory committee es-*
 4 *tablished under this subsection.*

5 (h) *REVIEW.*—*The Director may, when requested by*
 6 *other officers of the Department or directed by the Sec-*
 7 *retary, review the products and publications of other offices*
 8 *of the Department to certify that evidence-based claims*
 9 *about those products and publications are scientifically*
 10 *valid.*

11 **SEC. 115. PRIORITIES.**

12 (a) *PROPOSAL.*—*The Director shall propose to the*
 13 *Board priorities for the Institute (taking into consideration*
 14 *long-term research and development on core issues con-*
 15 *ducted through the national research and development cen-*
 16 *ters). The Director shall identify topics that may require*
 17 *long-term research and topics that are focused on under-*
 18 *standing and solving particular education problems and*
 19 *issues, including those associated with the goals and re-*
 20 *quirements established in the Elementary and Secondary*
 21 *Education Act of 1965 (20 U.S.C. 6301 et seq.) and the*
 22 *Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), such*
 23 *as—*

24 (1) *closing the achievement gap between high-*
 25 *performing and low-performing children, especially*

1 *achievement gaps between minority and nonminority*
 2 *children and between socioeconomically disadvantaged*
 3 *children and such children's more advantaged peers;*
 4 *and*

5 (2) *ensuring—*

6 (A) *that all children have the ability to ob-*
 7 *tain a high-quality education (including a high-*
 8 *quality early childhood education) and reach, at*
 9 *a minimum, proficiency on challenging State*
 10 *academic achievement standards and State aca-*
 11 *demic assessments, particularly in mathematics,*
 12 *science, and reading or language arts;*

13 (B) *educational access to, and opportunities*
 14 *for, postsecondary education; and*

15 (C) *the efficacy, impact on academic*
 16 *achievement, and cost-effectiveness of technology*
 17 *use within the Nation's schools.*

18 (b) *APPROVAL.—The Board shall approve or dis-*
 19 *approve the priorities for the Institute proposed by the Di-*
 20 *rector, including any necessary revision of those priorities.*
 21 *The Board shall transmit any priorities so approved to the*
 22 *appropriate congressional committees.*

23 (c) *CONSISTENCY.—The Board shall ensure that prior-*
 24 *ities of the Institute and the National Education Centers*
 25 *are consistent with the mission of the Institute, except in*

1 *the development, implementation, and release of the Na-*
 2 *tional Assessment of Educational Progress.*

3 *(d) PUBLIC AVAILABILITY AND COMMENT.—*

4 *(1) PRIORITIES.—Before submitting to the Board*
 5 *proposed priorities for the Institute, the Director shall*
 6 *make such priorities available to the public for com-*
 7 *ment for not less than 60 days (including by means*
 8 *of the Internet and through publishing such priorities*
 9 *in the Federal Register). The Director shall provide to*
 10 *the Board a copy of each such comment submitted.*

11 *(2) PLAN.—Upon approval of such priorities, the*
 12 *Director shall make the Institute’s plan for addressing*
 13 *such priorities available for public comment in the*
 14 *same manner as under paragraph (1).*

15 **SEC. 116. NATIONAL BOARD FOR EDUCATION SCIENCES.**

16 *(a) ESTABLISHMENT.—The Institute shall have a*
 17 *board of directors, which shall be known as the National*
 18 *Board for Education Sciences.*

19 *(b) DUTIES.—The duties of the Board shall be the fol-*
 20 *lowing:*

21 *(1) To advise and collaborate with the Director*
 22 *on the policies of the Institute.*

23 *(2) To consider and approve priorities proposed*
 24 *by the Director under section 115 to guide the work*
 25 *of the Institute.*

1 (3) *To review and approve procedures for tech-*
 2 *nical and scientific peer review of the activities of the*
 3 *Institute.*

4 (4) *To advise the Director on the establishment*
 5 *of activities to be supported by the Institute, includ-*
 6 *ing the general areas of research to be carried out by*
 7 *the National Center for Education Research.*

8 (5) *To present to the Director such recommenda-*
 9 *tions as it may find appropriate for—*

10 (A) *the strengthening of education research;*
 11 *and*

12 (B) *the funding of the Institute.*

13 (6) *To advise the Director on the funding of ap-*
 14 *plications for grants, contracts, and cooperative*
 15 *agreements for research, after the completion of peer*
 16 *review.*

17 (7) *To review and regularly evaluate the work of*
 18 *the Institute, to ensure that scientifically valid re-*
 19 *search, development, evaluation, and statistical anal-*
 20 *ysis are consistent with the standards for such activi-*
 21 *ties under this title.*

22 (8) *To advise the Director on ensuring that ac-*
 23 *tivities conducted or supported by the Institute are*
 24 *objective, secular, neutral, and nonideological and are*

1 *free of partisan political influence and racial, cul-*
 2 *tural, gender, or regional bias.*

3 *(9) To solicit advice and information from those*
 4 *in the educational field, particularly practitioners*
 5 *and researchers, to recommend to the Director topics*
 6 *that require long-term, sustained, systematic, pro-*
 7 *grammatic, and integrated research efforts, including*
 8 *knowledge utilization and wide dissemination of re-*
 9 *search, consistent with the priorities and mission of*
 10 *the Institute.*

11 *(10) To advise the Director on opportunities for*
 12 *the participation in, and the advancement of, women,*
 13 *minorities, and persons with disabilities in education*
 14 *research, statistics, and evaluation activities of the*
 15 *Institute.*

16 *(11) To recommend to the Director ways to en-*
 17 *hance strategic partnerships and collaborative efforts*
 18 *among other Federal and State research agencies.*

19 *(12) To recommend to the Director individuals*
 20 *to serve as Commissioners of the National Education*
 21 *Centers.*

22 *(c) COMPOSITION.—*

23 *(1) VOTING MEMBERS.—The Board shall have 15*
 24 *voting members appointed by the President, by and*
 25 *with the advice and consent of the Senate.*

1 (2) *ADVICE.*—*The President shall solicit advice*
 2 *regarding individuals to serve on the Board from the*
 3 *National Academy of Sciences, the National Science*
 4 *Board, and the National Science Advisor.*

5 (3) *NONVOTING EX OFFICIO MEMBERS.*—*The*
 6 *Board shall have the following nonvoting ex officio*
 7 *members:*

8 (A) *The Director of the United States Insti-*
 9 *tute for Education Sciences.*

10 (B) *Each of the Commissioners of the Na-*
 11 *tional Education Centers.*

12 (C) *The Director of the National Institute of*
 13 *Child Health and Human Development.*

14 (D) *The Director of the Census.*

15 (E) *The Commissioner of Labor Statistics.*

16 (F) *The Director of the National Science*
 17 *Foundation.*

18 (4) *APPOINTED MEMBERSHIP.*—

19 (A) *QUALIFICATIONS.*—*Members appointed*
 20 *under paragraph (1) shall be highly qualified to*
 21 *appraise education research, statistics, evalua-*
 22 *tions, or development, and shall include the fol-*
 23 *lowing individuals:*

24 (i) *Not fewer than 8 researchers in the*
 25 *field of statistics, evaluation, social sciences,*

1 *or physical and biological sciences, which*
 2 *may include those researchers recommended*
 3 *by the National Academy of Sciences.*

4 *(ii) Individuals who are knowledgeable*
 5 *about the educational needs of the United*
 6 *States, who may include school-based pro-*
 7 *fessional educators, parents with experience*
 8 *in promoting parental involvement in edu-*
 9 *cation, Chief State School Officers, State*
 10 *postsecondary education executives, presi-*
 11 *dents of institutions of higher education,*
 12 *local educational agency superintendents,*
 13 *early childhood experts, principals, members*
 14 *of State or local boards of education or Bu-*
 15 *reau-funded school boards, and individuals*
 16 *from business and industry with experience*
 17 *in promoting private sector involvement in*
 18 *education.*

19 *(B) TERMS.—Each member appointed*
 20 *under paragraph (1) shall serve for a term of 4*
 21 *years, except that—*

22 *(i) the terms of the initial members ap-*
 23 *pointed under such paragraph shall (as de-*
 24 *termined by a random selection process at*

1 *the time of appointment) be for staggered*
 2 *terms of—*

3 *(I) 4 years for each of 5 members;*

4 *(II) 3 years for each of 5 mem-*
 5 *bers; and*

6 *(III) 2 years for each of 5 mem-*
 7 *bers; and*

8 *(ii) no member appointed under such*
 9 *paragraph shall serve for more than 2 con-*
 10 *secutive terms.*

11 *(C) UNEXPIRED TERMS.—Any member ap-*
 12 *pointed to fill a vacancy occurring before the ex-*
 13 *piration of the term for which the member's*
 14 *predecessor was appointed shall be appointed*
 15 *only for the remainder of that term.*

16 *(D) CONFLICT OF INTEREST.—A voting*
 17 *member of the Board shall be considered a spe-*
 18 *cial Government employee for the purposes of the*
 19 *Ethics in Government Act of 1978.*

20 *(5) CHAIR.—The Board shall elect a chair from*
 21 *among the members of the Board.*

22 *(6) COMPENSATION.—Members of the Board shall*
 23 *serve without pay for such service. Members of the*
 24 *Board who are officers or employees of the United*

1 *States may not receive additional pay, allowances, or*
 2 *benefits by reason of their service on the Board.*

3 (7) *TRAVEL EXPENSES.*—*The members of the*
 4 *Board shall receive travel expenses, including per*
 5 *diem in lieu of subsistence, in accordance with sub-*
 6 *chapter I of chapter 57 of title 5, United States Code.*

7 (8) *POWERS OF THE BOARD.*—

8 (A) *EXECUTIVE DIRECTOR.*—*The Board*
 9 *shall have an Executive Director who shall be*
 10 *appointed by the Board.*

11 (B) *ADDITIONAL STAFF.*—*The Board shall*
 12 *utilize such additional staff as may be appointed*
 13 *or assigned by the Executive Director, in con-*
 14 *sultation with the Chair and the approval of the*
 15 *Director.*

16 (C) *DETAIL OF PERSONNEL.*—*The Board*
 17 *may use the services and facilities of any depart-*
 18 *ment or agency of the Federal Government.*
 19 *Upon the request of the Board, the head of any*
 20 *Federal department or agency may detail any of*
 21 *the personnel of that department or agency to the*
 22 *Board to assist the Board in carrying out this*
 23 *Act.*

1 (D) *CONTRACTS.*—*The Board may enter*
 2 *into contracts or make other arrangements as*
 3 *may be necessary to carry out its functions.*

4 (E) *INFORMATION.*—*The Board may, to the*
 5 *extent otherwise permitted by law, obtain di-*
 6 *rectly from any executive department or agency*
 7 *of the Federal Government such information as*
 8 *the Board determines necessary to carry out its*
 9 *functions.*

10 (9) *MEETINGS.*—*The Board shall meet not less*
 11 *than 2 times each year. The Board shall hold addi-*
 12 *tional meetings at the call of the chair or upon the*
 13 *written request of not less than 6 voting members of*
 14 *the Board. Meetings of the Board shall be open to the*
 15 *public.*

16 (10) *QUORUM.*—*A majority of the voting mem-*
 17 *bers of the Board serving at the time of the meeting*
 18 *shall constitute a quorum.*

19 (d) *STANDING COMMITTEES.*—

20 (1) *ESTABLISHMENT.*—*The Board may establish*
 21 *standing committees—*

22 (A) *that will each serve 1 of the National*
 23 *Education Centers; and*

24 (B) *to advise, consult with, and make rec-*
 25 *ommendations to the Director and the Commis-*

1 sioner of the appropriate National Education
2 Centers.

3 (2) *MEMBERSHIP.*—A majority of the members
4 of each standing committee shall be voting members
5 of the Board whose expertise is needed for the func-
6 tioning of the committee. In addition, the membership
7 of each standing committee may include, as appro-
8 priate—

9 (A) experts and scientists in research, sta-
10 tistics, evaluation, or development who are recog-
11 nized in their discipline as highly qualified to
12 represent such discipline and who are not mem-
13 bers of the Board, but who may have been rec-
14 ommended by the Commissioner of the appro-
15 priate National Education Center and approved
16 by the Board;

17 (B) *ex officio* members of the Board; and

18 (C) policymakers and expert practitioners
19 with knowledge of, and experience using, the re-
20 sults of research, evaluation, and statistics who
21 are not members of the Board, but who may have
22 been recommended by the Commissioner of the
23 appropriate National Education Center and ap-
24 proved by the Board.

25 (3) *DUTIES.*—Each standing committee shall—

1 (A) review and comment, at the discretion
 2 of the Board or the standing committee, on any
 3 grant, contract, or cooperative agreement entered
 4 into (or proposed to be entered into) by the ap-
 5 plicable National Education Center;

6 (B) prepare for, and submit to, the Board
 7 an annual evaluation of the operations of the ap-
 8 plicable National Education Center;

9 (C) review and comment on the relevant
 10 plan for activities to be undertaken by the appli-
 11 cable National Education Center for each fiscal
 12 year; and

13 (D) report periodically to the Board regard-
 14 ing the activities of the committee and the appli-
 15 cable National Education Center.

16 (e) ANNUAL REPORT.—The Board shall submit to the
 17 Director, the Secretary, and the appropriate congressional
 18 committees, not later than July 1 of each year, a report
 19 that assesses the effectiveness of the Institute in carrying
 20 out its priorities and mission, especially as such priorities
 21 and mission relate to carrying out scientifically valid re-
 22 search, conducting unbiased evaluations, collecting and re-
 23 porting accurate education statistics, and translating re-
 24 search into practice.

1 (f) *RECOMMENDATIONS.*—*The Board shall submit to*
 2 *the Director, the Secretary, and the appropriate congres-*
 3 *sional committees a report that includes any recommenda-*
 4 *tions regarding any actions that may be taken to enhance*
 5 *the ability of the Institute to carry out its priorities and*
 6 *mission. The Board shall submit an interim report not later*
 7 *than 3 years after the date of enactment of this Act and*
 8 *a final report not later than 5 years after such date of en-*
 9 *actment.*

10 **SEC. 117. COMMISSIONERS OF THE NATIONAL EDUCATION**
 11 **CENTERS.**

12 (a) *APPOINTMENT OF COMMISSIONERS.*—

13 (1) *IN GENERAL.*—*Except as provided in sub-*
 14 *section (b), each of the National Education Centers*
 15 *shall be headed by a Commissioner appointed by the*
 16 *Director. In appointing Commissioners, the Director*
 17 *shall seek to promote continuity in leadership of the*
 18 *National Education Centers and shall consider indi-*
 19 *viduals recommended by the Board. The Director may*
 20 *appoint a Commissioner to carry out the functions of*
 21 *a National Education Center without regard to the*
 22 *provisions of title 5, United States Code, governing*
 23 *appointments in the competitive service, and the pro-*
 24 *visions of chapter 51 and subchapter III of chapter 53*

1 *of such title relating to classification and General*
 2 *Schedule pay rates.*

3 (2) *PAY AND QUALIFICATIONS.—Except as pro-*
 4 *vided in subsection (b), each Commissioner shall—*

5 (A) *receive the rate of basic pay for level IV*
 6 *of the Executive Schedule; and*

7 (B) *be highly qualified in the field of edu-*
 8 *cation research or evaluation.*

9 (3) *SERVICE.—Except as provided in subsection*
 10 *(b), each Commissioner shall report to the Director. A*
 11 *Commissioner shall serve for a period of not more*
 12 *than 6 years, except that a Commissioner—*

13 (A) *may be reappointed by the Director;*
 14 *and*

15 (B) *may serve after the expiration of that*
 16 *Commissioner's term, until a successor has been*
 17 *appointed, for a period not to exceed 1 addi-*
 18 *tional year.*

19 (b) *APPOINTMENT OF COMMISSIONER FOR EDUCATION*
 20 *STATISTICS.—The National Center for Education Statistics*
 21 *shall be headed by a Commissioner for Education Statistics*
 22 *who shall be appointed by the President, by and with the*
 23 *advice and consent of the Senate, and who shall—*

1 (1) *have substantial knowledge of programs as-*
 2 *sisted by the National Center for Education Statis-*
 3 *tics;*

4 (2) *receive the rate of basic pay for level IV of*
 5 *the Executive Schedule; and*

6 (3) *serve for a term of 6 years, with the term to*
 7 *expire every sixth June 21, beginning in 2003.*

8 (c) *COORDINATION.*—*Each Commissioner of a Na-*
 9 *tional Education Center shall coordinate with each of the*
 10 *other Commissioners of the National Education Centers in*
 11 *carrying out such Commissioner's duties under this title.*

12 **SEC. 118. AGREEMENTS.**

13 *The Institute may carry out research projects of com-*
 14 *mon interest with entities such as the National Science*
 15 *Foundation and the National Institute of Child Health and*
 16 *Human Development through agreements with such entities*
 17 *that are in accordance with section 430 of the General Edu-*
 18 *cation Provisions Act (20 U.S.C. 1231).*

19 **SEC. 119. BIENNIAL REPORT.**

20 *The Director shall, on a biennial basis, transmit to*
 21 *the President, the Board, and the appropriate congressional*
 22 *committees, and make widely available to the public*
 23 *(including by means of the Internet), a report containing*
 24 *the following:*

1 (1) *A description of the activities carried out by*
2 *and through the National Education Centers during*
3 *the prior fiscal years.*

4 (2) *A summary of each grant, contract, and co-*
5 *operative agreement in excess of \$100,000 funded*
6 *through the National Education Centers during the*
7 *prior fiscal years, including, at a minimum, the*
8 *amount, duration, recipient, and purpose of the*
9 *award, which shall be available in a user-friendly*
10 *electronic database.*

11 (3) *A description of how the activities of the Na-*
12 *tional Education Centers are consistent with the*
13 *principles of scientifically valid research and the pri-*
14 *orities and mission of the Institute.*

15 (4) *Such additional comments, recommenda-*
16 *tions, and materials as the Director considers appro-*
17 *priate.*

18 **SEC. 120. COMPETITIVE AWARDS.**

19 *Activities carried out under this Act through grants,*
20 *contracts, or cooperative agreements, at a minimum, shall*
21 *be awarded on a competitive basis and, when practicable,*
22 *through a process of peer review.*

1 **PART B—NATIONAL CENTER FOR**
2 **EDUCATION RESEARCH**

3 **SEC. 131. ESTABLISHMENT.**

4 (a) *ESTABLISHMENT.*—*There is established in the In-*
5 *stitute a National Center for Education Research (in this*
6 *part referred to as the “Research Center”).*

7 (b) *MISSION.*—*The mission of the Research Center is—*

8 (1) *to sponsor sustained research that will lead*
9 *to the accumulation of knowledge and understanding*
10 *of education, to—*

11 (A) *ensure that all children have access to*
12 *a high-quality education;*

13 (B) *improve student academic achievement,*
14 *including through the use of educational tech-*
15 *nology;*

16 (C) *close the achievement gap between high-*
17 *performing and low-performing students through*
18 *the improvement of teaching and learning of*
19 *reading, writing, mathematics, science, and other*
20 *academic subjects;*

21 (D) *ensure educational access and oppor-*
22 *tunity for postsecondary education; and*

23 (E) *ensure that educational institutions are*
24 *free of violence, promote students’ development of*
25 *positive character traits, and enhance skills and*

1 *knowledge in areas that are important to the re-*
 2 *quirements of citizenship in a constitutional de-*
 3 *mocracy;*

4 *(2) to support the synthesis and, as appropriate,*
 5 *the integration of education research;*

6 *(3) to promote quality and integrity through the*
 7 *use of accepted practices of scientific inquiry to ob-*
 8 *tain knowledge and understanding of the validity of*
 9 *education theories, practices, or conditions; and*

10 *(4) to promote scientifically valid research find-*
 11 *ings that can provide the basis for improving aca-*
 12 *demic instruction and lifelong learning.*

13 **SEC. 132. COMMISSIONER FOR EDUCATION RESEARCH.**

14 *The Research Center shall be headed by a Commis-*
 15 *sioner for Education Research (in this part referred to as*
 16 *the “Research Commissioner”) who shall have substantial*
 17 *knowledge of the activities of the Research Center, including*
 18 *a high level of expertise in the fields of research and research*
 19 *management.*

20 **SEC. 133. DUTIES.**

21 *(a) GENERAL DUTIES.—The Research Center shall—*

22 *(1) maintain published peer-review standards*
 23 *and standards for the conduct and evaluation of all*
 24 *research and development carried out under the aus-*

1 *pices of the Research Center in accordance with this*
2 *part;*

3 (2) *propose to the Director a research plan*
4 *that—*

5 (A) *is consistent with the priorities and*
6 *mission of the Institute and the mission of the*
7 *Research Center and includes the activities de-*
8 *scribed in paragraph (3); and*

9 (B) *shall be carried out pursuant to para-*
10 *graph (4) and, as appropriate, be updated and*
11 *modified;*

12 (3) *carry out specific, long-term research activi-*
13 *ties that are consistent with the priorities and mis-*
14 *sion of the Institute, and are approved by the Direc-*
15 *tor;*

16 (4) *implement the plan proposed under para-*
17 *graph (2) to carry out scientifically valid research*
18 *that—*

19 (A) *uses objective and measurable indica-*
20 *tors, including timelines, that are used to assess*
21 *the progress and results of such research;*

22 (B) *meets the procedures for peer review es-*
23 *tablished by the Director under section 114(f)(5)*
24 *and the standards of research described in sec-*
25 *tion 134; and*

1 (C) includes both basic research and applied
2 research, which shall include research conducted
3 through field-initiated research and shall include
4 ongoing research initiatives;

5 (5) promote the use of scientifically valid re-
6 search within the Federal Government, including ac-
7 tive participation in interagency research projects de-
8 scribed in section 118;

9 (6) ensure that research conducted under the di-
10 rection of the Research Center is relevant to education
11 practice and policy;

12 (7) synthesize and disseminate, through the Na-
13 tional Center for Knowledge Utilization in Edu-
14 cation, the findings and results of education research
15 conducted or supported by the Research Center;

16 (8) assist the Director in the preparation of a bi-
17 ennial report, as described in section 119, which shall
18 be made available to the public through such means
19 as the Internet;

20 (9) carry out research on successful State and
21 local education reform activities, as approved by the
22 Director;

23 (10) carry out research initiatives regarding the
24 impact of technology, including—

1 (A) research into how technology affects stu-
2 dent achievement;

3 (B) long-term research into cognition and
4 learning issues as they relate to the uses of tech-
5 nology;

6 (C) applied research and development
7 aimed at developing innovative approaches to
8 the application of technology in education that
9 are unlikely to originate from within the private
10 sector, but which could result in the development
11 of new forms of education software, education
12 content, and technology-enabled pedagogy;

13 (D) rigorous, peer-reviewed, large-scale,
14 long-term, and broadly applicable empirical re-
15 search that is designed to determine which ap-
16 proaches to the use of technology are most effec-
17 tive and cost-efficient in practice and under
18 what conditions;

19 (E) field-based research on how teachers im-
20 plement technology and Internet-based resources
21 in the classroom, including an understanding of
22 how such resources are being accessed and put to
23 use and the effectiveness of such resources; and

24 (F) development of teacher and school leader
25 inservice and preservice training models that il-

1 *illustrate best practices in the use of technology in*
 2 *different content areas; and*

3 (11) *carry out research that is rigorous, peer-re-*
 4 *viewed, and large scale to determine which models of*
 5 *mathematics and science teaching are most effective,*
 6 *cost efficient, and able to be applied, duplicated, and*
 7 *scaled up for use in elementary and secondary class-*
 8 *rooms, including in low-performing schools, to im-*
 9 *prove the teaching and student achievement levels of*
 10 *mathematics and science as required under the Ele-*
 11 *mentary and Secondary Education Act of 1965 (20*
 12 *U.S.C. 6301 et seq.).*

13 (b) *ELIGIBILITY.—Research carried out under sub-*
 14 *section (a) through contracts, grants, or cooperative agree-*
 15 *ments shall be carried out only by recipients with the abil-*
 16 *ity and capacity to conduct scientifically valid research.*

17 (c) *NATIONAL RESEARCH AND DEVELOPMENT CEN-*
 18 *TERS.—*

19 (1) *SUPPORT.—In carrying out activities under*
 20 *subsection (a)(3), the Research Commissioner shall*
 21 *support not more than 15 national research and de-*
 22 *velopment centers, including those listed in paragraph*
 23 (2).

24 (2) *COMPOSITION.—The Research Commissioner*
 25 *shall support the following:*

1 (A) *An Adult Literacy Center.*

2 (B) *An Assessment, Standards, and Ac-*
3 *countability Research Center.*

4 (C) *An Early Childhood Development and*
5 *Education Center.*

6 (D) *An English Language Learners Re-*
7 *search Center.*

8 (E) *A Center for Improving Low Achieving*
9 *Schools.*

10 (F) *A Center on Innovation in Education*
11 *Reform.*

12 (G) *A State and Local Policy Center.*

13 (H) *A Center on Postsecondary Education*
14 *and Training.*

15 (I) *A Center on Rural Education.*

16 (J) *A Center on Teacher Quality.*

17 (3) *DUTIES OF CENTERS.*—*The national research*
18 *and development centers shall address areas of na-*
19 *tional need, including in technology areas. The re-*
20 *search carried out by the centers shall incorporate the*
21 *potential or existing role of educational technology,*
22 *where appropriate, in achieving the goals of each cen-*
23 *ter.*

24 (4) *SCOPE.*—*Support for a national research*
25 *and development center shall be for a period of not*

1 *more than 5 years, shall be of sufficient size and scope*
 2 *to be effective, and notwithstanding section 134(b),*
 3 *may be renewed without competition for not more*
 4 *than 5 additional years if the Director, in consulta-*
 5 *tion with the Research Commissioner and the Board,*
 6 *determines that the research of the national research*
 7 *and development center—*

8 *(A) continues to address priorities of the In-*
 9 *stitute; and*

10 *(B) merits renewal (applying the procedures*
 11 *and standards established in section 134).*

12 *(5) LIMIT.—No national research and develop-*
 13 *ment center may be supported under this subsection*
 14 *for a period of more than 10 years without submit-*
 15 *ting to a competitive process for the award of the sup-*
 16 *port.*

17 *(6) CONTINUATION OF AWARDS.—The Director*
 18 *shall continue awards made to the national research*
 19 *and development centers that are in effect on the day*
 20 *before the date of enactment of this Act in accordance*
 21 *with the terms of those awards and may renew them*
 22 *in accordance with paragraphs (4) and (5).*

23 *(7) DISAGGREGATION.—To the extent feasible, re-*
 24 *search conducted under this subsection shall be*

1 *disaggregated by age, race, gender, and socioeconomic*
 2 *background.*

3 (8) *TECHNOLOGY.—Each Center that receives*
 4 *support under this subsection shall use technology,*
 5 *where appropriate.*

6 **SEC. 134. STANDARDS FOR CONDUCT AND EVALUATION OF**
 7 **RESEARCH.**

8 (a) *IN GENERAL.—In carrying out this part, the Re-*
 9 *search Commissioner shall—*

10 (1) *ensure that all research conducted under the*
 11 *direction of the Research Center follows scientifically*
 12 *based research standards;*

13 (2) *develop such other standards as may be nec-*
 14 *essary to govern the conduct and evaluation of all re-*
 15 *search, development, and wide dissemination activi-*
 16 *ties carried out by the Research Center to assure that*
 17 *such activities meet the highest standards of profes-*
 18 *sional excellence;*

19 (3) *review the procedures utilized by the Na-*
 20 *tional Institutes of Health, the National Science*
 21 *Foundation, and other Federal departments or agen-*
 22 *cies engaged in research and development, and ac-*
 23 *tively solicit recommendations from research organi-*
 24 *zations and members of the general public in the de-*

1 *velopment of the standards described in paragraph*
2 *(2); and*

3 *(4) ensure that all research complies with Fed-*
4 *eral guidelines relating to research misconduct.*

5 *(b) PEER REVIEW.—*

6 *(1) IN GENERAL.—The Director shall establish a*
7 *peer review system, involving highly qualified indi-*
8 *viduals with an in-depth knowledge of the subject to*
9 *be investigated, for reviewing and evaluating all ap-*
10 *plications for grants and cooperative agreements that*
11 *exceed \$100,000, and for evaluating and assessing the*
12 *products developed by all recipients of grants and co-*
13 *operative agreements under this Act.*

14 *(2) EVALUATION.—The Research Commissioner*
15 *shall—*

16 *(A) develop the procedures to be used in*
17 *evaluating applications for research grants, co-*
18 *operative agreements, and contracts, and specify*
19 *the criteria and factors (including, as applicable,*
20 *the use of longitudinal data linking test scores,*
21 *enrollment, and graduation rates over time)*
22 *which shall be considered in making such evalua-*
23 *tions; and*

24 *(B) evaluate the performance of each recipi-*
25 *ent of an award of a research grant, contract, or*

1 *cooperative agreement at the conclusion of the*
 2 *award.*

3 (c) *LONG-TERM RESEARCH.*—*The Research Commis-*
 4 *sioner shall ensure that not less than 50 percent of the funds*
 5 *made available for research for each fiscal year shall be used*
 6 *to fund long-term research programs of not less than 5*
 7 *years, which support the priorities and mission of the Insti-*
 8 *tute and the mission of the Research Center.*

9 ***PART C—NATIONAL CENTER FOR***
 10 ***EDUCATION STATISTICS***

11 ***SEC. 141. ESTABLISHMENT.***

12 (a) *ESTABLISHMENT.*—*There is established in the In-*
 13 *stitute a National Center for Education Statistics (in this*
 14 *part referred to as the “Statistics Center”).*

15 (b) *MISSION.*—*The mission of the Statistics Center*
 16 *shall be—*

17 (1) *to collect and analyze education information*
 18 *and statistics in a manner that meets the highest*
 19 *methodological standards;*

20 (2) *to report education information and statis-*
 21 *tics in a timely manner; and*

22 (3) *to collect, analyze, and report education in-*
 23 *formation and statistics in a manner that—*

24 (A) *is objective, secular, neutral, and non-*
 25 *ideological and is free of partisan political influ-*

1 ence and racial, cultural, gender, or regional
2 bias; and

3 (B) is relevant and useful to practitioners,
4 researchers, policymakers, and the public.

5 **SEC. 142. COMMISSIONER FOR EDUCATION STATISTICS.**

6 The Statistics Center shall be headed by a Commis-
7 sioner for Education Statistics (in this part referred to as
8 the “Statistics Commissioner”) who shall be highly quali-
9 fied and have substantial knowledge of statistical meth-
10 odologies and activities undertaken by the Statistics Center.

11 **SEC. 143. DUTIES.**

12 (a) *GENERAL DUTIES.*—The Statistics Center shall
13 collect, report, analyze, and disseminate statistical data re-
14 lated to education in the United States and in other na-
15 tions, including—

16 (1) collecting, acquiring, compiling (where ap-
17 propriate, on a State-by-State basis), and dissemi-
18 nating full and complete statistics (disaggregated by
19 the population characteristics described in paragraph
20 (3)) on the condition and progress of education, at the
21 preschool, elementary, secondary, postsecondary, and
22 adult levels in the United States, including data on—

23 (A) State and local education reform activi-
24 ties;

1 (B) *State and local early childhood school*
 2 *readiness activities;*

3 (C) *student achievement in, at a minimum,*
 4 *the core academic areas of reading, mathematics,*
 5 *and science at all levels of education;*

6 (D) *secondary school completions, dropouts,*
 7 *and adult literacy and reading skills;*

8 (E) *educational access to, and opportunity*
 9 *for, postsecondary education, including data on*
 10 *financial aid to postsecondary students;*

11 (F) *teaching, including—*

12 (i) *data on in-service professional de-*
 13 *velopment, including a comparison of*
 14 *courses taken in the core academic areas of*
 15 *reading, mathematics, and science with*
 16 *courses in noncore academic areas, includ-*
 17 *ing technology courses; and*

18 (ii) *the percentage of teachers who are*
 19 *highly qualified (as such term is defined in*
 20 *section 9101 of the Elementary and Sec-*
 21 *ondary Education Act of 1965 (20 U.S.C.*
 22 *7801)) in each State and, where feasible, in*
 23 *each local educational agency and school;*

1 (G) instruction, the conditions of the edu-
 2 cation workplace, and the supply of, and de-
 3 mand for, teachers;

4 (H) the incidence, frequency, seriousness,
 5 and nature of violence affecting students, school
 6 personnel, and other individuals participating
 7 in school activities, as well as other indices of
 8 school safety, including information regarding—

9 (i) the relationship between victims
 10 and perpetrators;

11 (ii) demographic characteristics of the
 12 victims and perpetrators; and

13 (iii) the type of weapons used in inci-
 14 dents, as classified in the Uniform Crime
 15 Reports of the Federal Bureau of Investiga-
 16 tion;

17 (I) the financing and management of edu-
 18 cation, including data on revenues and expendi-
 19 tures;

20 (J) the social and economic status of chil-
 21 dren, including their academic achievement;

22 (K) the existence and use of educational
 23 technology and access to the Internet by students
 24 and teachers in elementary schools and sec-
 25 ondary schools;

1 (L) educational access to, and opportunity
2 for, early childhood education;

3 (M) the availability of, and access to, be-
4 fore-school and after-school programs (including
5 such programs during school recesses);

6 (N) student participation in and comple-
7 tion of secondary and postsecondary vocational
8 and technical education programs by specific
9 program area; and

10 (O) the existence and use of school libraries;

11 (2) conducting and publishing reports on the
12 meaning and significance of the statistics described in
13 paragraph (1);

14 (3) collecting, analyzing, cross-tabulating, and
15 reporting, to the extent feasible, information by gen-
16 der, race, ethnicity, socioeconomic status, limited
17 English proficiency, mobility, disability, urban,
18 rural, suburban districts, and other population char-
19 acteristics, when such disaggregated information will
20 facilitate educational and policy decisionmaking;

21 (4) assisting public and private educational
22 agencies, organizations, and institutions in improv-
23 ing and automating statistical and data collection ac-
24 tivities, which may include assisting State edu-
25 cational agencies and local educational agencies with

1 *the disaggregation of data and with the development*
 2 *of longitudinal student data systems;*

3 *(5) determining standards and guidelines to as-*
 4 *sist State educational agencies in developing state-*
 5 *wide longitudinal systems to track individual student*
 6 *progress, ensure interoperability across States, protect*
 7 *student privacy, and facilitate research to improve*
 8 *student academic achievement;*

9 *(6) acquiring and disseminating data on edu-*
 10 *cational activities and student achievement (such as*
 11 *the Third International Math and Science Study) in*
 12 *the United States compared with foreign nations;*

13 *(7) conducting longitudinal and special data col-*
 14 *lections necessary to report on the condition and*
 15 *progress of education;*

16 *(8) assisting the Director in the preparation of*
 17 *a biennial report, as described in section 119, which*
 18 *shall be available to the public through such means as*
 19 *the Internet; and*

20 *(9) determining, in consultation with the Na-*
 21 *tional Research Council of the National Academies,*
 22 *methodology by which States may accurately measure*
 23 *graduation rates (defined as the percentage of stu-*
 24 *dents who graduate from secondary school with a reg-*

1 ular diploma in the standard number of years),
 2 school completion rates, and dropout rates.

3 (b) *TRAINING PROGRAM.*—*The Statistics Commis-*
 4 *sioner may establish a program to train employees of public*
 5 *and private educational agencies, organizations, and insti-*
 6 *tutions in the use of standard statistical procedures and*
 7 *concepts, and may establish a fellowship program to ap-*
 8 *point such employees as temporary fellows at the Statistics*
 9 *Center, in order to assist the Statistics Center in carrying*
 10 *out its duties.*

11 **SEC. 144. PERFORMANCE OF DUTIES.**

12 (a) *GRANTS, CONTRACTS, AND COOPERATIVE AGREE-*
 13 *MENTS.*—*In carrying out the duties under this part, the*
 14 *Statistics Commissioner, may award grants, enter into con-*
 15 *tracts and cooperative agreements, and provide technical*
 16 *assistance.*

17 (b) *GATHERING INFORMATION.*—

18 (1) *SAMPLING.*—*The Statistics Commissioner*
 19 *may use the statistical method known as sampling*
 20 *(including random sampling) to carry out this part.*

21 (2) *SOURCE OF INFORMATION.*—*The Statistics*
 22 *Commissioner may, as appropriate, use information*
 23 *collected—*

24 (A) *from States, local educational agencies,*
 25 *public and private schools, preschools, institu-*

tions of higher education, vocational and adult education programs, libraries, administrators, teachers, students, the general public, and other individuals, organizations, agencies, and institutions (including information collected by States and local educational agencies for their own use); and

(B) by other offices within the Institute and by other Federal departments, agencies, and instrumentalities.

(3) *COLLECTION.*—The Statistics Commissioner may—

(A) enter into interagency agreements for the collection of statistics;

(B) arrange with any agency, organization, or institution for the collection of statistics; and

(C) assign employees of the Statistics Center to any such agency, organization, or institution to assist in such collection.

(4) *TECHNICAL ASSISTANCE AND COORDINATION.*—In order to maximize the effectiveness of Department efforts to serve the educational needs of children and youth, the Statistics Commissioner shall—

1 (A) provide technical assistance to the De-
 2 partment offices that gather data for statistical
 3 purposes; and

4 (B) coordinate with other Department of-
 5 fices in the collection of data.

6 (c) *DURATION.*—Notwithstanding any other provision
 7 of law, the grants, contracts, and cooperative agreements
 8 under this section may be awarded, on a competitive basis,
 9 for a period of not more than 5 years, and may be renewed
 10 at the discretion of the Statistics Commissioner for an addi-
 11 tional period of not more than 5 years.

12 **SEC. 145. REPORTS.**

13 (a) *PROCEDURES FOR ISSUANCE OF REPORTS.*—The
 14 Statistics Commissioner, shall establish procedures, in ac-
 15 cordance with section 186, to ensure that the reports issued
 16 under this section are relevant, of high quality, useful to
 17 customers, subject to rigorous peer review, produced in a
 18 timely fashion, and free from any partisan political influ-
 19 ence.

20 (b) *REPORT ON CONDITION AND PROGRESS OF EDU-*
 21 *CATION.*—Not later than June 1, 2003, and each June 1
 22 thereafter, the Statistics Commissioner, shall submit to the
 23 President and the appropriate congressional committees a
 24 statistical report on the condition and progress of education
 25 in the United States.

1 (c) *STATISTICAL REPORTS.*—*The Statistics Commis-*
 2 *sioner shall issue regular and, as necessary, special statis-*
 3 *tical reports on education topics, particularly in the core*
 4 *academic areas of reading, mathematics, and science, con-*
 5 *sistent with the priorities and the mission of the Statistics*
 6 *Center.*

7 **SEC. 146. DISSEMINATION.**

8 (a) *GENERAL REQUESTS.*—

9 (1) *IN GENERAL.*—*The Statistics Center may*
 10 *furnish transcripts or copies of tables and other sta-*
 11 *tistical records and make special statistical compila-*
 12 *tions and surveys for State and local officials, public*
 13 *and private organizations, and individuals.*

14 (2) *COMPILATIONS.*—*The Statistics Center shall*
 15 *provide State educational agencies, local educational*
 16 *agencies, and institutions of higher education with*
 17 *opportunities to suggest the establishment of par-*
 18 *ticular compilations of statistics, surveys, and anal-*
 19 *yses that will assist those educational agencies.*

20 (b) *CONGRESSIONAL REQUESTS.*—*The Statistics Cen-*
 21 *ter shall furnish such special statistical compilations and*
 22 *surveys as the relevant congressional committees may re-*
 23 *quest.*

24 (c) *JOINT STATISTICAL PROJECTS.*—*The Statistics*
 25 *Center may engage in joint statistical projects related to*

1 *the mission of the Center, or other statistical purposes au-*
 2 *thorized by law, with nonprofit organizations or agencies,*
 3 *and the cost of such projects shall be shared equitably as*
 4 *determined by the Director.*

5 (d) *FEES.*—

6 (1) *IN GENERAL.*—*Statistical compilations and*
 7 *surveys under this section, other than those carried*
 8 *out pursuant to subsections (b) and (c), may be made*
 9 *subject to the payment of the actual or estimated cost*
 10 *of such work.*

11 (2) *FUNDS RECEIVED.*—*All funds received in*
 12 *payment for work or services described in this sub-*
 13 *section may be used to pay directly the costs of such*
 14 *work or services, to repay appropriations that ini-*
 15 *tially bore all or part of such costs, or to refund excess*
 16 *sums when necessary.*

17 (e) *ACCESS.*—

18 (1) *OTHER AGENCIES.*—*The Statistics Center*
 19 *shall, consistent with section 183, cooperate with other*
 20 *Federal agencies having a need for educational data*
 21 *in providing access to educational data received by*
 22 *the Statistics Center.*

23 (2) *INTERESTED PARTIES.*—*The Statistics Cen-*
 24 *ter shall, in accordance with such terms and condi-*
 25 *tions as the Center may prescribe, provide all inter-*

1 *ested parties, including public and private agencies,*
 2 *parents, and other individuals, direct access, in the*
 3 *most appropriate form (including, where possible,*
 4 *electronically), to data collected by the Statistics Cen-*
 5 *ter for the purposes of research and acquiring statis-*
 6 *tical information.*

7 **SEC. 147. COOPERATIVE EDUCATION STATISTICS SYSTEMS.**

8 *The Statistics Center may establish 1 or more national*
 9 *cooperative education statistics systems for the purpose of*
 10 *producing and maintaining, with the cooperation of the*
 11 *States, comparable and uniform information and data on*
 12 *early childhood education, elementary and secondary edu-*
 13 *cation, postsecondary education, adult education, and li-*
 14 *braries, that are useful for policymaking at the Federal,*
 15 *State, and local levels.*

16 **SEC. 148. STATE DEFINED.**

17 *In this part, the term “State” means each of the 50*
 18 *States, the District of Columbia, and the Commonwealth*
 19 *of Puerto Rico.*

20 **PART D—NATIONAL CENTER FOR**
 21 **EDUCATION EVALUATION**

22 **SEC. 161. ESTABLISHMENT.**

23 *(a) ESTABLISHMENT.—There is established in the In-*
 24 *stitute a National Center for Education Evaluation (in this*
 25 *part referred to as the “Evaluation Center”).*

1 (b) *MISSION.*—*The mission of the Evaluation Center*
 2 *shall be—*

3 (1) *to conduct evaluations of Federal education*
 4 *programs administered by the Secretary (and as time*
 5 *and resources allow, other education programs);*

6 (2) *to determine the impact of such programs,*
 7 *particularly on student academic achievement in the*
 8 *core academic areas of reading, mathematics, and*
 9 *science, when such achievement or areas are relevant;*

10 (3) *to support synthesis and wide dissemination*
 11 *of results of evaluation research; and*

12 (4) *to encourage the use of scientifically valid*
 13 *education evaluation throughout the United States.*

14 **SEC. 162. COMMISSIONER FOR EDUCATION EVALUATION.**

15 (a) *IN GENERAL.*—*The Evaluation Center shall be*
 16 *headed by a Commissioner for Education Evaluation (in*
 17 *this part referred to as the “Evaluation Commissioner”)*
 18 *who—*

19 (1) *shall possess a demonstrated capacity for sus-*
 20 *tained productivity and leadership in education eval-*
 21 *uation, and be technically competent in conducting*
 22 *scientifically valid education evaluations; and*

23 (2) *shall oversee all evaluation activities of the*
 24 *Evaluation Center, the establishment of evaluation*
 25 *methodology, the reporting of findings of evaluations*

1 *to the public and appropriate congressional commit-*
 2 *tees, and other duties essential to carrying out the*
 3 *mission of the Evaluation Center.*

4 *(b) GRANTS, CONTRACTS, AND COOPERATIVE AGREE-*
 5 *MENTS.—In carrying out the duties under this part, the*
 6 *Director may award grants, enter into contracts and coop-*
 7 *erative agreements, and provide technical assistance.*

8 **SEC. 163. DUTIES.**

9 *(a) EVALUATION.—*

10 *(1) IN GENERAL.—In carrying out its missions,*
 11 *the Evaluation Center may—*

12 *(A) evaluate the impact of Federal edu-*
 13 *cation programs;*

14 *(B) support, through grants or contracts,*
 15 *field-based evaluations of State and local edu-*
 16 *cation programs;*

17 *(C) examine evaluations conducted or sup-*
 18 *ported by others in order to determine the qual-*
 19 *ity and relevance of the evidence of effectiveness*
 20 *generated by those evaluations;*

21 *(D) coordinate the activities of the Evalua-*
 22 *tion Center with other evaluation activities in*
 23 *the Department;*

24 *(E) review and, where feasible, supplement*
 25 *Federal education program evaluations, particu-*

1 *larly those by the Department, to determine or*
 2 *enhance the quality and relevance of the evidence*
 3 *generated by those evaluations; and*

4 *(F) assist the Director in the preparation of*
 5 *the biennial report, as described in section 119,*
 6 *which shall be made available to the public*
 7 *through such means as the Internet.*

8 *(2) ADDITIONAL REQUIREMENTS.—Each evalua-*
 9 *tion conducted by the Evaluation Center pursuant to*
 10 *paragraph (1) shall—*

11 *(A) adhere to the highest possible standards*
 12 *of quality for conducting scientifically valid edu-*
 13 *cation evaluation; and*

14 *(B) be subject to rigorous peer-review.*

15 *(b) ADMINISTRATION OF EVALUATIONS UNDER TITLE*
 16 *I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT*
 17 *OF 1965.—The Evaluation Commissioner, consistent with*
 18 *the mission of the Evaluation Center under section 161(b),*
 19 *shall administer all operations and contracts associated*
 20 *with evaluations authorized by part E of title I of the Ele-*
 21 *mentary and Secondary Education Act of 1965 (20 U.S.C.*
 22 *6491 et seq.) and administered by the Department as of*
 23 *the date of enactment of this Act.*

1 **PART E—NATIONAL CENTER FOR**
2 **KNOWLEDGE UTILIZATION IN EDUCATION**

3 **SEC. 171. NATIONAL CENTER FOR KNOWLEDGE UTILIZA-**
4 **TION IN EDUCATION.**

5 (a) *ESTABLISHMENT.*—

6 (1) *IN GENERAL.*—*There is established in the In-*
7 *stitute a National Center for Knowledge Utilization*
8 *in Education.*

9 (2) *COMPOSITION.*—*The National Center for*
10 *Knowledge Utilization in Education shall include—*

11 (A) *the regional educational laboratories de-*
12 *scribed in section 172;*

13 (B) *the National Library of Education de-*
14 *scribed in subsection (e); and*

15 (C) *the Educational Resources Information*
16 *Center.*

17 (b) *COMMISSIONER.*—*The National Center for Knowl-*
18 *edge Utilization in Education shall be headed by a Commis-*
19 *sioner for Knowledge Utilization in Education (in this part*
20 *referred to as the “Knowledge Utilization Commissioner”)*
21 *who is highly qualified and shall—*

22 (1) *disseminate information on scientifically*
23 *valid research, statistics, and evaluation on edu-*
24 *cation—*

1 (A) particularly to State educational agen-
2 cies and local educational agencies;

3 (B) to institutions of higher education; and

4 (C) to the public, the media, voluntary or-
5 ganizations, professional associations, and other
6 constituencies;

7 (2) make such information accessible in a user-
8 friendly, timely, and efficient manner (including
9 through use of a searchable Internet-based online
10 database) to schools, institutions of higher education,
11 educators (including early childhood educators), par-
12 ents, administrators, policymakers, researchers, public
13 and private entities (including providers of early
14 childhood services), entities responsible for carrying
15 out technical assistance through the Department, and
16 the general public;

17 (3) support the regional educational laboratories
18 in conducting applied research, the development and
19 dissemination of educational research, products and
20 processes, the provision of technical assistance, and
21 other activities to serve the educational needs of such
22 laboratories' regions;

23 (4) manage the National Library of Education
24 described in subsection (e), and other sources of dig-
25 ital information on education research; and

1 (5) *assist the Director in the preparation of a bi-*
 2 *ennial report, described in section 119, which shall be*
 3 *made available to the public through such means as*
 4 *the Internet.*

5 (c) *ADDITIONAL DUTIES.*—*In carrying out subsection*
 6 *(b), the National Center for Knowledge Utilization in Edu-*
 7 *cation shall—*

8 (1) *ensure that information disseminated under*
 9 *this section is provided in a cost-effective, nonduplica-*
 10 *tive manner that includes the most current research*
 11 *findings, including through—*

12 (A) *support of the Educational Resources*
 13 *Information Center and such Center's component*
 14 *entities; and*

15 (B) *the support of clearinghouses to address,*
 16 *at a minimum, those topics covered by the Edu-*
 17 *cational Resources Information Center Clearing-*
 18 *houses continued under subsection (d).*

19 (2) *describe prominently the type of scientific*
 20 *evidence that is used to support the findings that are*
 21 *disseminated;*

22 (3) *explain clearly the scientifically appropriate*
 23 *and inappropriate uses of—*

24 (A) *the findings that are disseminated; and*

1 (B) the types of evidence used to support
2 those findings; and

3 (4) respond, as appropriate, to inquiries from
4 schools, educators, parents, administrators, policy-
5 makers, researchers, public and private entities, and
6 entities responsible for carrying out technical assist-
7 ance.

8 (d) CONTINUATION.—The Director shall continue
9 awards for the support of the Educational Resources Infor-
10 mation Center Clearinghouses and contracts for regional
11 educational laboratories (established under subsections (f)
12 and (h) of section 941 of the Educational Research, Devel-
13 opment, Dissemination, and Improvement Act of 1994 (20
14 U.S.C. 6041(f) and (h)) (as such awards were in effect on
15 the day before the date of enactment of this Act)) for the
16 duration of those awards, in accordance with the terms and
17 agreements of such awards.

18 (e) NATIONAL LIBRARY OF EDUCATION.—

19 (1) ESTABLISHMENT.—There is established with-
20 in the National Center for Knowledge Utilization in
21 Education a National Library of Education that
22 shall—

23 (A) be headed by an individual who is high-
24 ly qualified in library science;

25 (B) collect and archive information;

1 (C) provide a central location within the
2 Federal Government for information about edu-
3 cation;

4 (D) provide comprehensive reference services
5 on matters related to education to employees of
6 the Department of Education and its contractors
7 and grantees, other Federal employees, and mem-
8 bers of the public; and

9 (E) promote greater cooperation and re-
10 source sharing among providers and repositories
11 of education information in the United States.

12 (2) *INFORMATION.*—The information collected
13 and archived by the National Library of Education
14 shall include—

15 (A) products and publications developed
16 through, or supported by, the Institute; and

17 (B) other relevant and useful education-re-
18 lated research, statistics, and evaluation mate-
19 rials and other information, projects, and publi-
20 cations that are—

21 (i) consistent with—

22 (I) scientifically valid research; or

23 (II) the priorities and mission of
24 the Institute; and

1 (ii) developed by the Department, other
 2 Federal agencies, or entities (including enti-
 3 ties supported under the Regional Assist-
 4 ance Act of 2002).

5 **SEC. 172. REGIONAL EDUCATIONAL LABORATORIES FOR RE-**
 6 **SEARCH, DEVELOPMENT, DISSEMINATION,**
 7 **AND TECHNICAL ASSISTANCE.**

8 (a) *REGIONAL EDUCATIONAL LABORATORIES.*—The
 9 Director shall enter into contracts with public or private
 10 nonprofit entities to establish a networked system of 10 re-
 11 gional educational laboratories that serve the needs of each
 12 region of the United States in accordance with the provi-
 13 sions of this section. The amount of assistance allocated to
 14 each laboratory by the Knowledge Utilization Commissioner
 15 shall reflect the number of local educational agencies and
 16 the number of school-age children within the region served
 17 by such laboratory, as well as the cost of providing services
 18 within the geographic area encompassed by the region.

19 (b) *REGIONS.*—The regions served by the regional edu-
 20 cational laboratories shall be the 10 geographic regions in
 21 existence on the day before the date of enactment of this
 22 title.

23 (c) *INVITATION REGARDING COMPETITION FOR*
 24 *AWARDS OF ASSISTANCE.*—Prior to entering into a con-
 25 tract under this section, the Director shall invite applicants,

1 *including the regional educational laboratories in existence*
 2 *on the day before the date of enactment of this Act, to com-*
 3 *pete for such contract through notice in the Federal Register*
 4 *and in the publication of the Department of Commerce*
 5 *known as the Federal Business Opportunities.*

6 (d) *APPLICATIONS.—*

7 (1) *SUBMISSION.—Each applicant desiring a*
 8 *contract as a regional educational laboratory shall*
 9 *submit an application at such time, in such manner,*
 10 *and containing such information as the Director may*
 11 *reasonably require.*

12 (2) *PLAN.—Each application submitted under*
 13 *paragraph (1) shall contain a 5-year plan for car-*
 14 *rying out the activities described in this section and*
 15 *address the needs of all States (and to the extent prac-*
 16 *ticable, of local educational agencies) within the re-*
 17 *gion to be served by the regional educational labora-*
 18 *tory, on an ongoing basis.*

19 (e) *AWARDING OF CONTRACTS.—*

20 (1) *IN GENERAL.—In awarding contracts under*
 21 *this section, the Director shall—*

22 (A) *enter into contracts for a 5-year period;*

23 *and*

24 (B) *ensure that regional educational labora-*
 25 *tories awarded a contract under this section have*

1 *strong and effective governance, organization,*
2 *management, and administration, and employ*
3 *qualified staff.*

4 (2) *COORDINATION.—In order to ensure coordi-*
5 *nation and prevent unnecessary duplication of activi-*
6 *ties among the regions, the Knowledge Utilization*
7 *Commissioner shall—*

8 (A) *share information about the activities of*
9 *each regional educational laboratory awarded a*
10 *contract under this section with each other re-*
11 *gional educational laboratory awarded a con-*
12 *tract under this section and with the Depart-*
13 *ment of Education, including the Director and*
14 *the Board;*

15 (B) *oversee a strategic plan for ensuring*
16 *that each regional educational laboratory award-*
17 *ed a contract under this section increases col-*
18 *laboration and resource-sharing in such activi-*
19 *ties;*

20 (C) *ensure, where appropriate, that the ac-*
21 *tivities of each regional educational laboratory*
22 *awarded a contract under this section also serve*
23 *national interests; and*

24 (D) *ensure that each regional educational*
25 *laboratory awarded a contract under this section*

1 *coordinates such laboratory's activities with the*
2 *activities of each other regional technical assist-*
3 *ance provider.*

4 (3) *OUTREACH.*—*In conducting competitions for*
5 *contracts under this section, the Director shall—*

6 (A) *actively encourage eligible entities to*
7 *compete for such awards by making widely*
8 *available information and technical assistance*
9 *relating to the competition; and*

10 (B) *seek input from the chief executive offi-*
11 *cers of States, chief State school officers, edu-*
12 *cators, and parents regarding the need for ap-*
13 *plied research, wide dissemination, training,*
14 *technical assistance, and development activities*
15 *authorized by this title in the regions to be*
16 *served by the regional educational laboratories*
17 *and how those educational needs could be ad-*
18 *dressed most effectively.*

19 (4) *OBJECTIVES AND INDICATORS.*—*Before enter-*
20 *ing into a contract under this section, the Director*
21 *shall design specific objectives and measurable indica-*
22 *tors to be used to assess the particular programs or*
23 *initiatives, and ongoing progress and performance, of*
24 *the regional educational laboratories, in order to en-*
25 *sure that the educational needs of the region are being*

1 *met and that the latest and best research and proven*
 2 *practices are being carried out as part of school im-*
 3 *provement efforts.*

4 (5) *STANDARDS.—The Knowledge Utilization*
 5 *Commissioner shall establish a system for technical*
 6 *and peer review to ensure that applied research ac-*
 7 *tivities, research-based reports, and products of the re-*
 8 *gional educational laboratories are consistent with the*
 9 *research standards described in section 134 and the*
 10 *evaluation standards established in section*
 11 *163(a)(2)(A).*

12 (f) *CENTRAL MISSION AND PRIMARY FUNCTION.—*
 13 *Each regional educational laboratory receiving assistance*
 14 *under this section shall promote the implementation of*
 15 *broad-based systemic school improvement strategies and*
 16 *shall have as such laboratory's central mission and primary*
 17 *function to—*

18 (1) *develop and widely disseminate educational*
 19 *research products and processes to schools, teachers,*
 20 *local educational agencies, State educational agencies,*
 21 *State and local agencies responsible for early edu-*
 22 *cation, librarians, and schools funded by the Bureau,*
 23 *as appropriate, and through such development and*
 24 *wide dissemination, and provide technical assistance,*
 25 *to help all students meet standards;*

1 (2) *develop a plan for identifying and serving*
2 *the needs of the region by conducting a continuing*
3 *survey of the educational needs, strengths, and weak-*
4 *nesses within the region, including a process of open*
5 *hearings to solicit the views of schools, teachers, ad-*
6 *ministrators, parents, local educational agencies, li-*
7 *brarians, and State educational agencies within the*
8 *region;*

9 (3) *provide technical assistance to State edu-*
10 *cational agencies, local educational agencies, school*
11 *boards, schools funded by the Bureau, as appropriate,*
12 *and State boards of education;*

13 (4) *serve the educational development needs of*
14 *the region by providing education research in usable*
15 *forms in order to promote school improvement and*
16 *academic achievement and to correct educational defi-*
17 *ciencies;*

18 (5) *facilitate communication between educational*
19 *experts, school officials, and teachers, parents, and li-*
20 *brarians, to enable such individuals to assist schools*
21 *to develop a plan to meet State education goals;*

22 (6) *provide training in—*

23 (A) *the field of education research and re-*
24 *lated areas;*

25 (B) *the use of new educational methods; and*

1 (C) the use of information-finding methods,
 2 practices, techniques, and products developed in
 3 connection with such training for which the re-
 4 gional educational laboratory may support in-
 5 ternships and fellowships and provide stipends;

6 (7) use applied educational research to assist in
 7 solving site-specific problems and to assist in develop-
 8 ment activities, including high quality, ongoing, pro-
 9 fessional development, and effective parental involve-
 10 ment strategies;

11 (8) conduct applied research projects designed to
 12 serve the particular needs of the region only in the
 13 event that such quality applied research does not exist
 14 as determined by the regional educational laboratory
 15 or the Department of Education;

16 (9) collaborate and coordinate services with other
 17 technical assistance providers funded by the Depart-
 18 ment of Education;

19 (10) provide support and technical assistance
 20 in—

21 (A) replicating and adapting exemplary
 22 and promising practices;

23 (B) the development of high-quality, chal-
 24 lenging curriculum frameworks;

1 (C) the development of valid, reliable assess-
2 ments which are linked to State, local, or Bu-
3 reau-funded content and student performance
4 standards and reflect recent advances in the field
5 of educational assessment;

6 (D) the improvement of professional devel-
7 opment strategies to assure that all teachers are
8 prepared to teach a challenging curriculum;

9 (E) expanding and improving the use of
10 technology in education to improve teaching and
11 learning;

12 (F) the development of alternatives for re-
13 structuring school finance systems to promote
14 greater equity in the distribution of resources
15 among public schools to better serve public school
16 students; and

17 (G) the development of alternative adminis-
18 trative structures which are more conducive to
19 planning, implementing, and sustaining school
20 reform and improved educational outcomes; and

21 (11) bring teams of experts together to develop
22 and implement school improvement plans and strate-
23 gies.

1 (g) *ACTIVITIES.*—*Each regional educational labora-*
2 *tory receiving assistance under this subsection shall carry*
3 *out the following activities:*

4 (1) *Collaborate with the National Education*
5 *Centers in order to—*

6 (A) *maximize the use of research conducted*
7 *through the National Education Centers in the*
8 *work of such laboratory;*

9 (B) *keep the National Education Centers*
10 *apprised of the work of the regional educational*
11 *laboratory in the field; and*

12 (C) *inform the National Education Centers*
13 *about additional research needs identified in the*
14 *field.*

15 (2) *Consult with the State educational agencies*
16 *and library agencies in the region in developing the*
17 *plan for serving the region.*

18 (3) *Develop strategies to utilize schools as critical*
19 *components in reforming education and revitalizing*
20 *rural communities in the United States.*

21 (4) *Report and disseminate information on over-*
22 *coming the obstacles faced by educators and schools in*
23 *high poverty, urban, and rural areas.*

24 (5) *Identify successful educational programs that*
25 *have either been developed by such laboratory in car-*

1 *rying out such laboratory's functions or that have*
 2 *been developed or used by others within the region*
 3 *served by the laboratory and make such information*
 4 *available to the Secretary and the network of regional*
 5 *educational laboratories so that such programs may*
 6 *be considered for inclusion in the national education*
 7 *dissemination system.*

8 *(h) GOVERNING BOARD AND ALLOCATION.—In car-*
 9 *rying out its responsibilities, each regional educational lab-*
 10 *oratory, in keeping with the terms and conditions of such*
 11 *laboratory's contract, shall—*

12 *(1) establish a governing board that—*

13 *(A) reflects a balanced representation of—*

14 *(i) the States in the region;*

15 *(ii) the interests and concerns of re-*
 16 *gional constituencies; and*

17 *(iii) technical expertise;*

18 *(B) includes the chief State school officer or*
 19 *such officer's designee of each State represented*
 20 *in such board's region;*

21 *(C) includes representatives nominated by*
 22 *State organizations representing superintend-*
 23 *ents, principals, institutions of higher education,*
 24 *teachers, parents, business, and researchers;*

1 (D) in order to meet the requirement of sub-
2 paragraph (A), is not more than 10 percent
3 independently selected by the regional edu-
4 cational laboratory;

5 (E) is the sole entity that—

6 (i) guides and directs the laboratory in
7 carrying out the provisions of this sub-
8 section and satisfying the terms and condi-
9 tions of the contract award;

10 (ii) determines the regional agenda of
11 the laboratory;

12 (iii) engages in an ongoing dialogue
13 with the Knowledge Utilization Commis-
14 sioner concerning the laboratory's goals, ac-
15 tivities, and priorities; and

16 (iv) determines at the start of the con-
17 tract period, subject to the requirements of
18 this section and in consultation with the
19 Knowledge Utilization Commissioner, the
20 mission of the regional educational labora-
21 tory for the duration of the contract period;

22 (F) ensures that the regional educational
23 laboratory attains and maintains a high level of
24 quality in the laboratory's work and products;

1 (G) establishes standards to ensure that the
 2 regional educational laboratory has strong and
 3 effective governance, organization, management,
 4 and administration, and employs qualified staff;

5 (H) directs the regional educational labora-
 6 tory to carry out the laboratory's duties in a
 7 manner that will make progress toward achiev-
 8 ing State education goals and reforming schools
 9 and educational systems; and

10 (I) conducts a continuing survey of the edu-
 11 cational needs, strengths, and weaknesses within
 12 the region, including a process of open hearings
 13 to solicit the views of schools and teachers; and

14 (2) allocate the regional educational laboratory's
 15 resources to and within each State in a manner
 16 which reflects the need for assistance, taking into ac-
 17 count such factors as the proportion of economically
 18 disadvantaged students, the increased cost burden of
 19 service delivery in areas of sparse populations, and
 20 any special initiatives being undertaken by State, in-
 21 termediate, local educational agencies, or Bureau-
 22 funded schools, as appropriate, which may require
 23 special assistance from the laboratory.

24 (i) DUTIES OF GOVERNING BOARD.—In order to im-
 25 prove the efficiency and effectiveness of the regional edu-

1 cational laboratories, the governing boards of the regional
 2 educational laboratories shall establish and maintain a net-
 3 work to—

4 (1) share information about the activities each
 5 laboratory is carrying out;

6 (2) plan joint activities that would meet the
 7 needs of multiple regions;

8 (3) create a strategic plan for the development of
 9 activities undertaken by the laboratories to reduce re-
 10 dundancy and increase collaboration and resource-
 11 sharing in such activities; and

12 (4) otherwise devise means by which the work of
 13 the individual laboratories could serve national, as
 14 well as regional, needs.

15 (j) *ADDITIONAL ACTIVITIES OF THE REGIONAL EDU-*
 16 *CATIONAL LABORATORIES.*—

17 (1) *ASSESSMENT.*—Each regional educational
 18 laboratory awarded a contract under this section shall
 19 conduct a biennial needs assessment of the region
 20 served by the laboratory.

21 (2) *REGIONAL SUPPORT ACTIVITIES.*—Each re-
 22 gional educational laboratory awarded a contract
 23 under this section shall support applied research, de-
 24 velopment, wide dissemination, and technical assist-
 25 ance activities—

1 (A) by providing training and technical as-
 2 sistance to State departments of education and
 3 school districts regarding, at a minimum—

4 (i) the administration and implemen-
 5 tation of programs under the No Child Left
 6 Behind Act of 2001 (Public Law 107–110);

7 (ii) scientifically valid research in edu-
 8 cation on teaching methods and assessment
 9 tools for use by teachers and administrators
 10 in, at a minimum—

11 (I) the core academic subjects of
 12 mathematics, science, and reading;

13 (II) English language acquisition;
 14 and

15 (III) education technology; and

16 (iii) the facilitation of communication
 17 between education experts, school officials,
 18 teachers, parents, and librarians, as appro-
 19 priate;

20 (B) through dissemination, including
 21 through Internet-based means, and by providing
 22 scientifically valid research, information, re-
 23 ports, and publications that are usable for im-
 24 proving academic achievement, narrowing

1 *achievement gaps, and encouraging and sus-*
 2 *taining school improvement, to—*

3 *(i) schools, institutions of higher edu-*
 4 *cation, educators, parents, policymakers,*
 5 *and other constituencies, as appropriate,*
 6 *within the region in which the regional edu-*
 7 *cational laboratory is located; and*

8 *(ii) the National Center for Knowledge*
 9 *Utilization in Education;*

10 *(C) by carrying out applied research*
 11 *projects that are designed to serve the particular*
 12 *educational needs (in prekindergarten through*
 13 *grade 16) of the region in which the regional*
 14 *educational laboratory is located, that reflect*
 15 *findings from scientifically valid research, and*
 16 *that result in user-friendly, replicable classroom*
 17 *applications geared toward promoting increased*
 18 *student achievement; and*

19 *(D) by supporting development activities*
 20 *and contributing to the current base of education*
 21 *knowledge by addressing enduring problems in*
 22 *elementary and secondary education and access*
 23 *to postsecondary education.*

24 *(3) COORDINATION AND COLLABORATION.—Each*
 25 *regional educational laboratory awarded a contract*

1 *under this section shall coordinate its activities, col-*
2 *laborate, and regularly exchange information with the*
3 *Secretary, the Director, the National Center for*
4 *Knowledge Utilization in Education, and other ap-*
5 *propriate entities (including educational service agen-*
6 *cies, as defined in section 9101 of the Elementary and*
7 *Secondary Education Act of 1965 (20 U.S.C. 7801)*
8 *and other regional technical assistance providers).*

9 *(k) EVALUATIONS.—The Knowledge Utilization Com-*
10 *missioner shall—*

11 *(1) provide for independent evaluations of each*
12 *of the regional educational laboratories in carrying*
13 *out the duties described in this section in the third*
14 *year that such laboratory receives assistance under*
15 *this section in accordance with the standards devel-*
16 *oped by the Knowledge Utilization Commissioner and*
17 *approved by the governing board; and*

18 *(2) transmit the results of such evaluations to the*
19 *relevant committees of Congress, the governing board,*
20 *and the appropriate regional educational laboratory*
21 *governing board.*

22 *(l) RULE OF CONSTRUCTION.—No regional edu-*
23 *cational laboratory receiving assistance under this section*
24 *shall, by reason of the receipt of that assistance, be ineligible*
25 *to receive any other assistance from the Department of Edu-*

1 cation as authorized by law or be prohibited from engaging
 2 in activities involving international projects or endeavors.

3 (m) *ADVANCE PAYMENT SYSTEM.*—Each regional edu-
 4 cational laboratory shall participate in the advance pay-
 5 ment system at the Department of Education.

6 (n) *ADDITIONAL PROJECTS.*—In addition to activities
 7 authorized under this section, the Director is authorized to
 8 enter into contracts or agreements with a regional edu-
 9 cational laboratory for the purpose of carrying out addi-
 10 tional projects to enable such regional educational labora-
 11 tory to assist in efforts to achieve State education goals and
 12 for other purposes.

13 (o) *PLAN.*—Not later than July 1 of each year, each
 14 regional educational laboratory shall submit to the Knowl-
 15 edge Utilization Commissioner a plan covering the suc-
 16 ceeding fiscal year, in which such laboratory's mission, ac-
 17 tivities, and scope of work are described, including a gen-
 18 eral description of—

19 (1) the plans such laboratory expects to submit
 20 in the remaining years of such laboratory's contract;
 21 and

22 (2) an assessment of how well such laboratory is
 23 meeting the needs of the region, including a summary
 24 of activities during the preceding year, a list of enti-
 25 ties served, a list of products, and any other informa-

1 *tion that the regional educational laboratory may*
 2 *consider relevant or the Knowledge Utilization Com-*
 3 *missioner may require.*

4 (p) *CONSTRUCTION.—Nothing in this section shall be*
 5 *construed to require any modifications in a regional edu-*
 6 *cational laboratory contract in effect on the day before the*
 7 *date of enactment of this Act.*

8 **PART F—GENERAL PROVISIONS**

9 **SEC. 181. INTERAGENCY DATA SOURCES AND FORMATS.**

10 *The Secretary, in consultation with the Director, shall*
 11 *ensure that the Department and the Institute use common*
 12 *sources of data in standardized formats.*

13 **SEC. 182. PROHIBITIONS.**

14 (a) *NATIONAL DATABASE.—Nothing in this title may*
 15 *be construed to authorize the establishment of a nationwide*
 16 *database of individually identifiable information on indi-*
 17 *viduals involved in studies or other collections of data under*
 18 *this title.*

19 (b) *FEDERAL GOVERNMENT AND USE OF FEDERAL*
 20 *FUNDS.—Nothing in this title may be construed to author-*
 21 *ize an officer or employee of the Federal Government to*
 22 *mandate, direct, or control the curriculum, program of in-*
 23 *struction, or allocation of State or local resources of a State,*
 24 *local educational agency, or school, or to mandate a State,*

1 *or any subdivision thereof, to spend any funds or incur any*
 2 *costs not provided for under this title.*

3 (c) *ENDORSEMENT OF CURRICULUM.*—*Notwith-*
 4 *standing any other provision of Federal law, no funds pro-*
 5 *vided under this title to the Institute, including any office,*
 6 *board, committee, or center of the Institute, may be used*
 7 *by the Institute to endorse, approve, or sanction any cur-*
 8 *riculum designed to be used in an elementary school or sec-*
 9 *ondary school.*

10 (d) *FEDERALLY SPONSORED TESTING.*—

11 (1) *IN GENERAL.*—*Subject to paragraph (2), no*
 12 *funds provided under this title to the Secretary or to*
 13 *the recipient of any award may be used to develop,*
 14 *pilot test, field test, implement, administer, or dis-*
 15 *tribute any federally sponsored national test in read-*
 16 *ing, mathematics, or any other subject, unless specifi-*
 17 *cally and explicitly authorized by law.*

18 (2) *EXCEPTIONS.*—*Subsection (a) shall not*
 19 *apply to international comparative assessments devel-*
 20 *oped under the authority of section 143(a)(6) of this*
 21 *title or section 404(a)(6) of the National Education*
 22 *Statistics Act of 1994 (20 U.S.C. 9003(a)(6)) (as such*
 23 *section was in effect on the day before the date of en-*
 24 *actment of this Act) and administered to only a rep-*

1 *representative sample of pupils in the United States and*
 2 *in foreign nations.*

3 **SEC. 183. CONFIDENTIALITY.**

4 (a) *IN GENERAL.*—All collection, maintenance, use,
 5 and wide dissemination of data by the Institute, including
 6 each office, board, committee, and center of the Institute,
 7 shall conform with the requirements of section 552a of title
 8 5, United States Code, the confidentiality standards of sub-
 9 section (c) of this section, and sections 444 and 445 of the
 10 General Education Provisions Act (20 U.S.C. 1232g,
 11 1232h).

12 (b) *STUDENT INFORMATION.*—The Director shall en-
 13 sure that all individually identifiable information about
 14 students, their academic achievements, their families, and
 15 information with respect to individual schools, shall remain
 16 confidential in accordance with section 552a of title 5,
 17 United States Code, and sections 444 and 445 of the Gen-
 18 eral Education Provisions Act (20 U.S.C. 1232g, 1232h).

19 **SEC. 184. AVAILABILITY OF DATA.**

20 Subject to section 183, data collected by the Institute,
 21 including any office, board, committee, or center of the In-
 22 stitute, in carrying out the priorities and mission of the
 23 Institute, shall be made available to the public, including
 24 through use of the Internet.

1 **SEC. 185. PERFORMANCE MANAGEMENT.**

2 *The Director shall ensure that all activities conducted*
3 *or supported by the Institute or a National Education Cen-*
4 *ter make customer service a priority. The Director shall en-*
5 *sure a high level of customer satisfaction through the fol-*
6 *lowing methods:*

7 (1) *Establishing and improving feedback mecha-*
8 *nisms in order to anticipate customer needs.*

9 (2) *Disseminating information in a timely fash-*
10 *ion and in formats that are easily accessible and usa-*
11 *ble by researchers, practitioners, and the general pub-*
12 *lic.*

13 (3) *Utilizing the most modern technology and*
14 *other methods available, including arrangements to*
15 *use data collected electronically by States and local*
16 *educational agencies, to ensure the efficient collection*
17 *and timely distribution of information, including*
18 *data and reports.*

19 (4) *Establishing and measuring performance*
20 *against a set of indicators for the quality of data col-*
21 *lected, analyzed, and reported.*

22 (5) *Continuously improving management strate-*
23 *gies and practices.*

24 (6) *Making information available to the public*
25 *in an expeditious fashion.*

1 **SEC. 186. AUTHORITY TO PUBLISH.**

2 (a) *PUBLICATION.*—*The Director may prepare and*
3 *publish (including through oral presentation) such research,*
4 *statistics, and evaluation information and reports from any*
5 *office, board, committee, and center of the Institute, with*
6 *the exception of the National Assessment of Educational*
7 *Progress, as needed to carry out the priorities and mission*
8 *of the Institute without the approval of the Secretary or*
9 *any other office of the Department.*

10 (b) *COMMENT.*—*The Director shall provide other of-*
11 *fices of the Department with an opportunity to comment*
12 *upon any report of the Institute prior to publication when*
13 *the contents relate to matters for which such offices have*
14 *responsibility.*

15 (c) *PEER REVIEW.*—*All research, statistics, and eval-*
16 *uation reports conducted by, or supported through, the In-*
17 *stitute shall be subjected to rigorous peer review before being*
18 *published or otherwise made available to the public.*

19 (d) *ITEMS NOT COVERED.*—*Nothing in subsections (a),*
20 *(b), or (c) shall be construed to apply to—*

21 (1) *information on current or proposed budgets,*
22 *appropriations, or legislation;*

23 (2) *information prohibited from disclosure by*
24 *law or the Constitution, classified national security*
25 *information, or information described in section*
26 *552(b) of title 5, United States Code; and*

1 (3) review by officers of the United States in
 2 order to prevent the unauthorized disclosure of infor-
 3 mation described in paragraph (1) or (2).

4 **SEC. 187. VACANCIES.**

5 Any member appointed to fill a vacancy on the Board
 6 occurring before the expiration of the term for which the
 7 member's predecessor was appointed shall be appointed only
 8 for the remainder of that term. A vacancy in an office,
 9 board, committee, or center of the Institute shall be filled
 10 in the manner in which the original appointment was
 11 made. This section does not apply to employees appointed
 12 under section 188.

13 **SEC. 188. SCIENTIFIC OR TECHNICAL EMPLOYEES.**

14 (a) *IN GENERAL.*—The Director may appoint, for
 15 terms not to exceed 6 years (without regard to the provisions
 16 of title 5, United States Code, governing appointment in
 17 the competitive service) and may compensate (without re-
 18 gard to the provisions of chapter 51 and subchapter III of
 19 chapter 53 of such title relating to classification and Gen-
 20 eral Schedule pay rates) such scientific or technical employ-
 21 ees to carry out the functions of the Institute or the office,
 22 board, committee, or center, respectively, if—

23 (1) not less than 30 days prior to the appoint-
 24 ment of any such employee, public notice is given of
 25 the availability of such position and an opportunity

1 *is provided for qualified individuals to apply and*
2 *compete for such position;*

3 *(2) the rate of basic pay for such employees does*
4 *not exceed the maximum rate of basic pay payable for*
5 *positions at GS-15, as determined in accordance with*
6 *section 5376 of title 5, United States Code, except that*
7 *not more than 5 individuals appointed under this sec-*
8 *tion may be paid at a rate that does not exceed the*
9 *rate of basic pay for level III of the Executive Sched-*
10 *ule;*

11 *(3) the appointment of such employee is nec-*
12 *essary (as determined by the Director on the basis of*
13 *clear and convincing evidence) to provide the Insti-*
14 *tute or the office, board, committee, or center with sci-*
15 *entific or technical expertise which could not other-*
16 *wise be obtained by the Institute or the office, board,*
17 *committee, or center through the competitive service;*
18 *and*

19 *(4) the total number of such employees does not*
20 *exceed 30 individuals or $\frac{1}{5}$ of the number of full-time,*
21 *regular scientific or professional employees of the In-*
22 *stitute, whichever is greater.*

23 *(b) DUTIES OF EMPLOYEES.—All employees described*
24 *in subsection (a) shall work on activities of the Institute*
25 *or the office, board, committee, or center, and shall not be*

1 *reassigned to other duties outside the Institute or the office,*
 2 *board, committee, or center during their term.*

3 **SEC. 189. FELLOWSHIPS.**

4 *In order to strengthen the national capacity to carry*
 5 *out high-quality research, evaluation, and statistics related*
 6 *to education, the Director shall establish and maintain re-*
 7 *search, evaluation, and statistics fellowships in institutions*
 8 *of higher education (which may include the establishment*
 9 *of such fellowships in historically Black colleges and univer-*
 10 *sities and other institutions of higher education with large*
 11 *numbers of minority students) that support graduate and*
 12 *postdoctoral study. In establishing the fellowships, the Di-*
 13 *rector shall ensure that women and minorities are actively*
 14 *recruited for participation.*

15 **SEC. 190. VOLUNTARY SERVICE.**

16 *The Director may accept voluntary and uncompen-*
 17 *sated services to carry out and support activities that are*
 18 *consistent with the priorities and mission of the Institute.*

19 **SEC. 191. RULEMAKING.**

20 *Notwithstanding section 437(d) of the General Edu-*
 21 *cation Provisions Act (20 U.S.C. 1232(d)), the exemption*
 22 *for public property, loans, grants, and benefits in section*
 23 *553(a)(2) of title 5, United States Code, shall apply to the*
 24 *Institute.*

1 **SEC. 192. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) *IN GENERAL.*—There are authorized to be appro-
3 priated to administer and carry out this title (except sec-
4 tion 172) \$400,000,000 for fiscal year 2003 and such sums
5 as may be necessary for each of the 5 succeeding fiscal years,
6 of which—

7 (1) not less than the amount provided to the Na-
8 tional Center for Education Statistics (as such Center
9 was in existence on the day before the date of enact-
10 ment of this Act) for fiscal year 2002 shall be pro-
11 vided to the National Center for Education Statistics,
12 as authorized under part C; and

13 (2) not more than the lesser of 2 percent of such
14 funds or \$1,000,000 shall be made available to carry
15 out section 116 (relating to the National Board for
16 Education Sciences).

17 (b) *REGIONAL EDUCATIONAL LABORATORIES.*—There
18 are authorized to be appropriated to carry out section 172
19 \$120,000,000 for fiscal year 2003 and such sums as may
20 be necessary for each of the 5 succeeding fiscal years. Of
21 the amounts appropriated under the preceding sentence for
22 a fiscal year, the Director shall obligate not less than 25
23 percent to carry out such purpose with respect to rural
24 areas (including schools funded by the Bureau which are
25 located in rural areas).

1 (c) *AVAILABILITY*.—Amounts made available under
2 this section shall remain available until expended.

3 **TITLE II—REGIONAL EDU-**
4 **CATIONAL TECHNICAL AS-**
5 **SISTANCE**

6 **SEC. 201. SHORT TITLE.**

7 This title may be cited as the “Regional Assistance Act
8 of 2002”.

9 **SEC. 202. DEFINITIONS.**

10 In this title:

11 (1) *IN GENERAL*.—The terms “local educational
12 agency” and “State educational agency” have the
13 meanings given those terms in section 9101 of the El-
14 ementary and Secondary Education Act of 1965 (20
15 U.S.C. 7801).

16 (2) *EARLY CHILDHOOD EDUCATOR*.—The term
17 “early childhood educator” means a person providing,
18 or employed by a provider of, nonresidential child
19 care services (including center-based, family-based,
20 and in-home child care services) that is legally oper-
21 ating under State law, and that complies with appli-
22 cable State and local requirements for the provision
23 of child care services to children at any age from
24 birth through the age at which a child may start kin-
25 dergarten in that State.

1 (3) *PROVIDER OF EARLY CHILDHOOD SERV-*
 2 *ICES.*—

3 (A) *IN GENERAL.*—*The term “provider of*
 4 *early childhood services” means a public or pri-*
 5 *vate entity that has regular contact with young*
 6 *children.*

7 (B) *INCLUSIONS.*—*The term “provider of*
 8 *early childhood services” includes—*

9 (i) *child care providers;*

10 (ii) *Head Start agencies operating*
 11 *Head Start programs, and entities carrying*
 12 *out Early Head Start programs, under the*
 13 *Head Start Act (42 U.S.C. 9831 et seq.);*

14 (iii) *preschools;*

15 (iv) *kindergartens; and*

16 (v) *libraries.*

17 (4) *SECRETARY.*—*The term “Secretary” means*
 18 *the Secretary of Education.*

19 **SEC. 203. COMPREHENSIVE CENTERS.**

20 (a) *AUTHORIZATION.*—*Beginning in fiscal year 2004,*
 21 *the Secretary is authorized to award not less than 20 grants*
 22 *to local entities, or consortia of such entities, with dem-*
 23 *onstrated expertise in providing technical assistance and*
 24 *professional development in reading, mathematics, science,*
 25 *and technology to establish comprehensive centers.*

1 (b) *ALLOCATION.*—Each comprehensive center estab-
 2 lished under this section shall allocate such center’s re-
 3 sources to and within the State in which such center is lo-
 4 cated in a manner which reflects the need for assistance,
 5 taking into account such factors as the proportion of eco-
 6 nomically disadvantaged students, the increased cost burden
 7 of service delivery in areas of sparse populations, and any
 8 special initiatives being undertaken by State, intermediate,
 9 local educational agencies, or Bureau-funded schools, as ap-
 10 propriate, which may require special assistance from the
 11 center.

12 (c) *SCOPE OF WORK.*—Each comprehensive center es-
 13 tablished under this section shall work with State edu-
 14 cational agencies, local educational agencies, and schools in
 15 the region where such center is located on school improve-
 16 ment activities that take into account factors such as the
 17 proportion of economically disadvantaged students in the
 18 region, and give priority to—

19 (1) *schools in the region with high percentages or*
 20 *numbers of students from low-income families, as de-*
 21 *termined under section 1113(a)(5) of the Elementary*
 22 *and Secondary Education Act of 1965 (20 U.S.C.*
 23 *6313(a)(5)), including such schools in rural and*
 24 *urban areas, and schools receiving assistance under*
 25 *title I of that Act (20 U.S.C. 6301 et seq.);*

1 (2) *local educational agencies in the region in*
 2 *which high percentages or numbers of school-age chil-*
 3 *dren are from low-income families, as determined*
 4 *under section 1124(c)(1)(A) of the Elementary and*
 5 *Secondary Education Act of 1965 (20 U.S.C.*
 6 *6333(c)(1)(A)), including such local educational agen-*
 7 *cies in rural and urban areas; and*

8 (3) *schools in the region that have been identified*
 9 *for school improvement under section 1116(b) of the*
 10 *Elementary and Secondary Education Act of 1965*
 11 *(20 U.S.C. 6316(b)).*

12 (d) *ACTIVITIES.—*

13 (1) *IN GENERAL.—A comprehensive center estab-*
 14 *lished under this section shall support dissemination*
 15 *and technical assistance activities by—*

16 (A) *providing training, professional devel-*
 17 *opment, and technical assistance regarding, at a*
 18 *minimum—*

19 (i) *the administration and implemen-*
 20 *tation of programs under the Elementary*
 21 *and Secondary Education Act of 1965 (20*
 22 *U.S.C. 6301 et seq.);*

23 (ii) *the use of scientifically valid teach-*
 24 *ing methods and assessment tools for use by*

1 *teachers and administrators in, at a min-*
 2 *imum—*

3 *(I) the core academic subjects of*
 4 *mathematics, science, and reading or*
 5 *language arts;*

6 *(II) English language acquisition;*
 7 *and*

8 *(III) education technology; and*
 9 *(iii) the facilitation of communication*
 10 *between education experts, school officials,*
 11 *teachers, parents, and librarians, as appro-*
 12 *priate; and*

13 *(B) disseminating and providing informa-*
 14 *tion, reports, and publications that are usable*
 15 *for improving academic achievement, narrowing*
 16 *achievement gaps, and encouraging and sus-*
 17 *taining school improvement, to schools, edu-*
 18 *cators, parents, and policymakers within the re-*
 19 *gion in which the center is located.*

20 *(2) COORDINATION AND COLLABORATION.—Each*
 21 *comprehensive center established under this section*
 22 *shall coordinate its activities, collaborate, and regu-*
 23 *larly exchange information with the regional edu-*
 24 *cational laboratory in the region in which the center*
 25 *is located, the National Center for Knowledge Utiliza-*

tion in Education, the Office of the Secretary, the State service agency, and other technical assistance providers in the region.

(e) *COMPREHENSIVE CENTER ADVISORY BOARD.*—

(1) *ESTABLISHMENT.*—Each comprehensive center established under this section shall have an advisory board that shall support the priorities of such center.

(2) *DUTIES.*—Each advisory board established under paragraph (1) shall advise the comprehensive center concerning the activities described in subsection (d).

(3) *COMPOSITION.*—

(A) *IN GENERAL.*—Each advisory board shall be composed of—

(i) the chief State school officers, or such officers' designees or other State officials, in each State served by the comprehensive center, who has primary responsibility under State law for elementary and secondary education in the State; and

(ii) not more than 15 other members who are representative of the educational interests in the region served by the comprehensive center and are selected jointly by

1 *the officials specified in clause (i) and the*
2 *chief executive officer of each State served*
3 *by the comprehensive center, including the*
4 *following:*

5 *(I) Representatives of local edu-*
6 *cational agencies, including represent-*
7 *atives of local educational agencies*
8 *serving urban and rural areas.*

9 *(II) Representatives of institu-*
10 *tions of higher education.*

11 *(III) Parents.*

12 *(IV) Practicing educators, includ-*
13 *ing classroom teachers, principals, and*
14 *administrators.*

15 *(V) Representatives of business.*

16 *(VI) Policymakers, expert practi-*
17 *tioners, and researchers with knowledge*
18 *of, and experience using, the results of*
19 *research, evaluation, and statistics.*

20 *(B) SPECIAL RULE.—In the case of a State*
21 *in which the chief executive officer has the pri-*
22 *mary responsibility under State law for elemen-*
23 *tary and secondary education in the State, the*
24 *chief executive officer shall consult with the State*

1 *educational agency in selecting additional mem-*
 2 *bers of the board under subparagraph (A)(i).*

3 **SEC. 204. PRIORITIES AND EVALUATIONS.**

4 *(a) PRIORITIES.—The Secretary may establish prior-*
 5 *ities for the comprehensive centers to address. The priorities*
 6 *shall directly correspond with the educational needs of the*
 7 *region.*

8 *(b) EVALUATIONS.—The Secretary shall provide for*
 9 *ongoing independent evaluations of the comprehensive cen-*
 10 *ters receiving assistance under this title, the results of which*
 11 *shall be transmitted to the appropriate congressional com-*
 12 *mittees and the Director of the United States Institute for*
 13 *Education Sciences. Such evaluations shall include an*
 14 *analysis of the services provided under this title, the extent*
 15 *to which each of the comprehensive centers meets the objec-*
 16 *tives of its respective plan, and whether such services meet*
 17 *the educational needs of State educational agencies, local*
 18 *educational agencies, and schools in the region.*

19 **SEC. 205. CLEARINGHOUSES.**

20 *(a) SCHOOL FACILITIES CLEARINGHOUSE.—*

21 *(1) IN GENERAL.—The Secretary shall award a*
 22 *grant or contract to an entity, on a competitive basis,*
 23 *to create and maintain a clearinghouse that will col-*
 24 *lect and disseminate information on effective, best*
 25 *educational practices and the latest research studies*

1 *regarding kindergarten through grade 12 school facili-*
 2 *ties planning, design, financing, construction, oper-*
 3 *ations, and maintenance.*

4 (2) *DURATION.*—*A grant or contract awarded*
 5 *under paragraph (1) shall be for a period of 5 years.*

6 (3) *AUTHORIZATION OF APPROPRIATIONS.*—
 7 *There are authorized to be appropriated to carry out*
 8 *this subsection \$1,500,000 for fiscal year 2003, and*
 9 *such sums as may be necessary for each of the 5 suc-*
 10 *ceeding fiscal years.*

11 (b) *EISENHOWER CLEARINGHOUSE AUTHORIZA-*
 12 *TION.*—*The Secretary shall award a contract for the Eisen-*
 13 *hower National Clearinghouse for Mathematics and Science*
 14 *Education as authorized under section 2102(b) of the Ele-*
 15 *mentary and Secondary Education Act of 1965 (as such*
 16 *section was in effect on the day before the date of enactment*
 17 *of the No Child Left Behind Act of 2001 (Public Law 107–*
 18 *110)).*

19 **SEC. 206. EXISTING TECHNICAL ASSISTANCE PROVIDERS.**

20 *The Secretary shall continue awards for the support*
 21 *of the Eisenhower Regional Mathematics and Science Edu-*
 22 *cation Consortia established under part M of the Edu-*
 23 *cational Research, Development, Dissemination, and Im-*
 24 *provement Act of 1994 (as such part existed on the day*
 25 *before the date of enactment of this Act), the Regional Tech-*

1 *nology in Education Consortia under section 3141 of the*
 2 *Elementary and Secondary Education Act of 1965 (as such*
 3 *section existed on the day before the date of enactment of*
 4 *the No Child Left Behind Act of 2001 (Public Law 107–*
 5 *110)), and the Comprehensive Regional Assistance Centers*
 6 *established under part K of the Educational Research, De-*
 7 *velopment, Dissemination, and Improvement Act of 1994*
 8 *(as such part existed on the day before the date of enactment*
 9 *of this Act), in accordance with the terms of such awards,*
 10 *until the comprehensive centers authorized under section*
 11 *203 are established.*

12 **SEC. 207. STUDY.**

13 *The Secretary, in consultation with the National*
 14 *Academy of Sciences, shall conduct a study to determine*
 15 *the use of alcohol or illegal narcotics as contributing factors*
 16 *to incidents of school violence committed by students during*
 17 *the regular school day and while participating in other*
 18 *school-related activities.*

19 **SEC. 208. GRANT PROGRAM FOR STATEWIDE, LONGITU-**
 20 **DINAL DATA SYSTEMS.**

21 *(a) GRANTS AUTHORIZED.—The Secretary is author-*
 22 *ized to award grants, on a competitive basis, to State edu-*
 23 *cational agencies to enable such agencies to design and de-*
 24 *velop statewide, longitudinal data systems to track indi-*

1 *vidual student progress based on a unique student identi-*
 2 *fier.*

3 (b) *APPLICATIONS.*—*Each State educational agency*
 4 *desiring a grant under this section shall submit an applica-*
 5 *tion to the Secretary at such time, in such manner, and*
 6 *accompanied by such information as the Secretary may*
 7 *reasonably require.*

8 (c) *AWARDING OF GRANTS.*—*In awarding grants*
 9 *under this section, the Secretary shall use a peer review*
 10 *process that—*

11 (1) *ensures technical quality, interoperability*
 12 *across States, and protections of student privacy;*

13 (2) *promotes the generation of data that is need-*
 14 *ed—*

15 (A) *for States and local educational agen-*
 16 *cies to comply with the Elementary and Sec-*
 17 *ondary Education Act of 1965 (20 U.S.C. 6301*
 18 *et seq.) and other reporting requirements; and*

19 (B) *to facilitate research to improve student*
 20 *academic achievement; and*

21 (3) *gives priority to applications that meet the*
 22 *standards and guidelines developed by the National*
 23 *Center for Education Statistics.*

24 (d) *USE OF FUNDS.*—

1 (1) *IN GENERAL.*—*Each State educational agen-*
 2 *cy awarded a grant under this section shall design*
 3 *and develop a statewide, longitudinal data system to*
 4 *track individual student progress based on a unique*
 5 *student identifier to more accurately capture and re-*
 6 *port student data—*

7 (A) *to comply with the Elementary and*
 8 *Secondary Education Act of 1965 (20 U.S.C.*
 9 *6301 et seq.);*

10 (B) *to facilitate research to improve student*
 11 *achievement; and*

12 (C) *to be used for other purposes.*

13 (2) *SUPPLEMENT NOT SUPPLANT.*—*Funds made*
 14 *available under this section shall be used to supple-*
 15 *ment, and not supplant, other Federal, State, or local*
 16 *funds used for developing State data systems.*

17 (e) *REPORT.*—*Not later than 1 year after the date of*
 18 *enactment of the Regional Assistance Act of 2002, and*
 19 *again 3 years after such date of enactment, the Secretary,*
 20 *in consultation with the National Academies Committee on*
 21 *National Statistics, shall make publicly available a report*
 22 *on the implementation and effectiveness of Federal, State,*
 23 *and local efforts related to the goals of this section, includ-*
 24 *ing—*

1 (1) *identifying and analyzing State practices re-*
 2 *garding the development and use of statewide, longi-*
 3 *tudinal data systems that track individual student*
 4 *progress;*

5 (2) *evaluating the interoperability of such sys-*
 6 *tems; and*

7 (3) *identifying best practices and areas for im-*
 8 *provement.*

9 **SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) *IN GENERAL.*—*There are authorized to be appro-*
 11 *priated to carry out this title \$100,000,000 for fiscal year*
 12 *2003 and such sums as may be necessary for each of the*
 13 *5 succeeding fiscal years.*

14 (b) *LIMITATION.*—*Not more than 5 percent of the funds*
 15 *appropriated under subsection (a) for a fiscal year may be*
 16 *used to conduct the evaluations required under section*
 17 *204(b).*

18 **TITLE III—NATIONAL ASSESS-**
 19 **MENT OF EDUCATIONAL**
 20 **PROGRESS**

21 **SEC. 301. SHORT TITLE.**

22 *This title may be referred to as the “National Assess-*
 23 *ment of Educational Progress Authorization Act”.*

24 **SEC. 302. DEFINITIONS.**

25 *In this title:*

1 (1) *The term “Director” means the Director of*
 2 *the United States Institute for Education Sciences.*

3 (2) *The term “State” means each of the 50*
 4 *States, the District of Columbia, and the Common-*
 5 *wealth of Puerto Rico.*

6 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) *IN GENERAL.*—*There are authorized to be appro-*
 8 *riated—*

9 (1) *for fiscal year 2003—*

10 (A) *\$4,600,000 to carry out section 302, as*
 11 *amended by section 401 of this Act (relating to*
 12 *the National Assessment Governing Board); and*

13 (B) *\$107,500,000 to carry out section 303,*
 14 *as amended by section 401 of this Act (relating*
 15 *to the National Assessment of Educational*
 16 *Progress); and*

17 (2) *such sums as may be necessary for each of*
 18 *the 5 succeeding fiscal years to carry out sections 302*
 19 *and 303, as amended by section 401 of this Act.*

20 (b) *AVAILABILITY.*—*Amounts made available under*
 21 *this section shall remain available until expended.*

1 **TITLE IV—AMENDATORY**

2 **PROVISIONS**

3 **SEC. 401. REDESIGNATIONS.**

4 (a) *CONFIDENTIALITY*.—Section 408 of the National
5 *Education Statistics Act of 1994 (20 U.S.C. 9007) is*
6 *amended—*

7 (1) *by striking “center”, “Center”, and*
8 *“Commissioner” each place any such term appears*
9 *and inserting “Director”;*

10 (2) *in subsection (a)(2)(A), by striking*
11 *“statistical purpose” and inserting “research, statis-*
12 *tics, or evaluation purpose under this title”;*

13 (3) *by striking subsection (b)(1) and inserting*
14 *the following:*

15 “(1) *IN GENERAL*.—

16 “(A) *DISCLOSURE*.—No Federal depart-
17 *ment, bureau, agency, officer, or employee and*
18 *no recipient of a Federal grant, contract, or co-*
19 *operative agreement may, for any reason, require*
20 *the Director, any Commissioner of a National*
21 *Education Center, or any other employee of the*
22 *Institute to disclose individually identifiable in-*
23 *formation that has been collected or retained*
24 *under this title.*

1 “(B) *IMMUNITY.*—*Individually identifiable*
 2 *information collected or retained under this title*
 3 *shall be immune from legal process and shall*
 4 *not, without the consent of the individual con-*
 5 *cerned, be admitted as evidence or used for any*
 6 *purpose in any action, suit, or other judicial or*
 7 *administrative proceeding.*

8 “(C) *APPLICATION.*—*This paragraph does*
 9 *not apply to requests for individually identifi-*
 10 *able information submitted by or on behalf of the*
 11 *individual identified in the information.”;*

12 (4) *in paragraphs (2) and (6) of subsection (b),*
 13 *by striking “subsection (a)(2)” each place such term*
 14 *appears and inserting “subsection (c)(2)”;*

15 (5) *in paragraphs (3) and (7) of subsection (b),*
 16 *by striking “Center’s” each place such term appears*
 17 *and inserting “Director’s”; and*

18 (6) *by striking the section heading and transfer-*
 19 *ring all the subsections (including subsections (a)*
 20 *through (c)) and redesignating such subsections as*
 21 *subsections (c) through (e), respectively, at the end of*
 22 *section 183 of this Act.*

23 (b) *CONFORMING AMENDMENT.*—*Sections 302 and 303*
 24 *of this Act are redesignated as sections 304 and 305, respec-*
 25 *tively.*

1 (c) *NATIONAL ASSESSMENT GOVERNING BOARD*.—*Sec-*
 2 *tion 412 of the National Education Statistics Act of 1994*
 3 *(20 U.S.C. 9011) is amended—*

4 (1) *in subsection (a)—*

5 (A) *by striking “referred to as the ‘Board’”*
 6 *and inserting “referred to as the ‘Assessment*
 7 *Board’ ”; and*

8 (B) *by inserting “(carried out under section*
 9 *303)” after “for the National Assessment”;*

10 (2) *by striking “Board” each place such term*
 11 *appears (other than in subsection (a)) and inserting*
 12 *“Assessment Board”;*

13 (3) *by striking “Commissioner” each place such*
 14 *term appears and inserting “Commissioner for Edu-*
 15 *cation Statistics”;*

16 (4) *in subsection (b)(2)—*

17 (A) *by striking “ASSISTANT SECRETARY*
 18 *FOR EDUCATIONAL RESEARCH” in the heading*
 19 *and inserting “DIRECTOR OF THE UNITED*
 20 *STATES INSTITUTE FOR EDUCATION SCIENCES”;*
 21 *and*

22 (B) *by striking “Assistant Secretary for*
 23 *Educational Research and Improvement” and*
 24 *inserting “Director of the United States Institute*
 25 *for Education Sciences”;*

1 (5) *in subsection (e)—*

2 *(A) in paragraph (1)—*

3 *(i) in subparagraph (A), by striking*
 4 *“section 411(b)” and inserting “section*
 5 *303(b)”;*

6 *(ii) in subparagraph (B), by striking*
 7 *“section 411(e)” and inserting “section*
 8 *303(e)”;*

9 *(iii) in subparagraph (E), by striking*
 10 *“, including the Advisory Council estab-*
 11 *lished under section 407”;*

12 *(iv) in subparagraphs (F) and (I), by*
 13 *striking “section 411” each place such term*
 14 *appears and inserting “section 303”;*

15 *(v) in subparagraph (H), by striking*
 16 *“and” after the semicolon;*

17 *(vi) in subparagraph (I), by striking*
 18 *the period at the end and inserting “; and”;*
 19 *and*

20 *(vii) by inserting at the end the fol-*
 21 *lowing:*

22 *“(J) release (including conduct publicity re-*
 23 *lated to the release of) data pertaining to the Na-*
 24 *tional Assessment of Educational Progress.”;*

1 (B) in paragraph (5), by striking “and the
2 Advisory Council on Education Statistics”; and

3 (C) in paragraph (6), by striking “section
4 411(e)” and inserting “section 303(e)”; and

5 (6) by transferring and redesignating the section
6 as section 302 (following section 301) of title III of
7 this Act.

8 (d) NATIONAL ASSESSMENT OF EDUCATIONAL
9 PROGRESS.—Section 411 of the National Education Statis-
10 tics Act of 1994 (20 U.S.C. 9010) is amended—

11 (1) by striking “Commissioner” each place such
12 term appears and inserting “Commissioner for Edu-
13 cation Statistics”;

14 (2) by striking “National Assessment Governing
15 Board” and “National Board” each place either such
16 term appears and inserting “Assessment Board”;

17 (3) in subsection (a)—

18 (A) by striking “section 412” and inserting
19 “section 302”; and

20 (B) by striking “and with the technical as-
21 sistance of the Advisory Council established
22 under section 407,”;

23 (4) in subsection (b)—

24 (A) in paragraph (1), by inserting “of”
25 after “academic achievement and reporting”;

1 *(B) in paragraph (3)(A)—*

2 *(i) in clause (i), by striking*
 3 *“paragraphs (1)(B) and (1)(E)” and insert-*
 4 *ing “paragraphs (2)(B) and (2)(E)”;*

5 *(ii) in clause (ii), by striking*
 6 *“paragraph (1)(C)” and inserting*
 7 *“paragraph (2)(C)”;* and

8 *(iii) in clause (iii), by striking*
 9 *“paragraph (1)(D)” and inserting*
 10 *“paragraph (2)(D)”;* and

11 *(C) in paragraph (5), by striking “(c)(2)”*
 12 *and inserting “(c)(3)”;*

13 *(5) in subsection (c)(2)(D), by striking*
 14 *“subparagraph (B)” and inserting “subparagraph*
 15 *(C)”;*

16 *(6) in subsection (e)(4), by striking*
 17 *“subparagraph (2)(C)” and inserting “paragraph*
 18 *(2)(C) of such subsection”;*

19 *(7) in subsection (f)(1)(B)(iv), by striking*
 20 *“section 412(e)(4)” and inserting “section 302(e)(4)”;*
 21 *and*

22 *(8) by transferring and redesignating the section*
 23 *as section 303 (following section 302) of title III of*
 24 *this Act.*

1 (e) *TABLE OF CONTENTS AMENDMENT.*—*The items re-*
 2 *lating to title III in the table of contents of this Act, as*
 3 *amended by section 401 of this Act, are amended to read*
 4 *as follows:*

“*TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS*

“*Sec. 301. Short title.*

“*Sec. 302. National Assessment Governing Board.*

“*Sec. 303. National Assessment of Educational Progress.*

“*Sec. 304. Definitions.*

“*Sec. 305. Authorization of appropriations.*”.

5 **SEC. 402. AMENDMENTS TO DEPARTMENT OF EDUCATION**
 6 **ORGANIZATION ACT.**

7 *The Department of Education Organization Act (20*
 8 *U.S.C. 3401 et seq.) is amended—*

9 (1) *by striking section 202(b)(4) and inserting*
 10 *the following:*

11 “(4) *There shall be in the Department a Director of*
 12 *the United States Institute for Education Sciences who*
 13 *shall be appointed in accordance with section 114(a) of the*
 14 *Education Sciences Reform Act of 2002 and perform the*
 15 *duties described in that Act.*”;

16 (2) *by striking section 208 and inserting the fol-*
 17 *lowing:*

18 “*UNITED STATES INSTITUTE FOR EDUCATION SCIENCES*

19 “*SEC. 208. There shall be in the Department of Edu-*
 20 *cation the United States Institute for Education Sciences,*
 21 *which shall be administered in accordance with the Edu-*

1 *cation Sciences Reform Act of 2002 by the Director ap-*
 2 *pointed under section 114(a) of that Act.”; and*

3 *(3) by striking the item relating to section 208*
 4 *in the table of contents in section 1 and inserting the*
 5 *following:*

“Sec. 208. United States Institute for Education Sciences.”.

6 **SEC. 403. REPEALS.**

7 *The following provisions of law are repealed:*

8 *(1) The National Education Statistics Act of*
 9 *1994 (20 U.S.C. 9001 et seq.).*

10 *(2) Parts A through E and K through N of the*
 11 *Educational Research, Development, Dissemination,*
 12 *and Improvement Act of 1994 (title IX of the Goals*
 13 *2000: Educate America Act) (20 U.S.C. 6001 et seq.).*

14 *(3) Section 401(b)(2) of the Department of Edu-*
 15 *cation Organization Act (20 U.S.C. 3461(b)(2)).*

16 **SEC. 404. CONFORMING AND TECHNICAL AMENDMENTS.**

17 *(a) GOALS 2000: EDUCATE AMERICA ACT.—The table*
 18 *of contents in section 1(b) of the Goals 2000: Educate Amer-*
 19 *ica Act (20 U.S.C. 5801 note) is amended by striking the*
 20 *items relating to parts A through E of title IX (including*
 21 *the items relating to sections within those parts).*

22 *(b) TITLE 5, UNITED STATES CODE.—Section 5315 of*
 23 *title 5, United States Code, is amended by striking the fol-*
 24 *lowing:*

1 “Commissioner, National Center for Education Statis-
2 tics.”.

3 (c) *GENERAL EDUCATION PROVISIONS ACT*.—Section
4 447(b) of the General Education Provisions Act (20 U.S.C.
5 1232j(b)) is amended by striking “section 404(a)(6) of the
6 National Education Statistics Act of 1994 (20 U.S.C.
7 9003(a)(6))” and inserting “section 143(a)(6) of the Edu-
8 cation Sciences Reform Act of 2002”.

9 (d) *ELEMENTARY AND SECONDARY EDUCATION ACT*
10 OF 1965.—The Elementary and Secondary Education Act
11 of 1965 (20 U.S.C. 6301 et seq.) is amended as follows:

12 (1) Section 1111(c)(2) is amended by striking
13 “section 411(b)(2) of the National Education Statis-
14 tics Act of 1994” and inserting “section 303(b)(2) of
15 the National Assessment of Educational Progress Au-
16 thorization Act”.

17 (2) Section 1112(b)(1)(F) is amended by striking
18 “section 411(b)(2) of the National Education Statis-
19 tics Act of 1994” and inserting “section 303(b)(2) of
20 the National Assessment of Educational Progress Au-
21 thorization Act”.

22 (3) Section 1117(a)(3) is amended—

23 (A) by inserting “(as such section existed on
24 the day before the date of enactment of the Edu-

1 *cation Sciences Reform Act of 2002)*” after “*Act*
 2 *of 1994*”; and

3 (B) by inserting “*regional educational lab-*
 4 *oratories established under part E of the Edu-*
 5 *cation Sciences Reform Act of 2002 and com-*
 6 *prehensive centers established under the Regional*
 7 *Assistance Act of 2002 and*” after “*assistance*
 8 *from*”.

9 (4) *Section 1501(a)(3) is amended by striking*
 10 *“section 411 of the National Education Statistics Act*
 11 *of 1994” and inserting “section 303 of the National*
 12 *Assessment of Educational Progress Authorization*
 13 *Act”.*

14 (5) *The following provisions are each amended*
 15 *by striking “Office of Educational Research and Im-*
 16 *provement” and inserting “United States Institute for*
 17 *Education Sciences”:*

18 (A) *Section 3222(a) (20 U.S.C. 6932(a)).*

19 (B) *Section 3303(1) (20 U.S.C. 7013(1)).*

20 (C) *Section 5464(e)(1) (20 U.S.C.*
 21 *7253c(e)(1)).*

22 (D) *Paragraphs (1) and (2) of section*
 23 *5615(d) (20 U.S.C. 7283d(d)).*

24 (E) *Paragraphs (1) and (2) of section*
 25 *7131(c) (20 U.S.C. 7451(c)).*

1 (6) Paragraphs (1) and (2) of section 5464(e)
 2 (20 U.S.C. 7253c(e)) are each amended by striking
 3 “such Office” and inserting “such Institute”.

4 (7) Section 5613 (20 U.S.C. 7283b) is amend-
 5 ed—

6 (A) in subsection (a)(5), by striking
 7 “Assistant Secretary of the Office of Educational
 8 Research and Improvement” and inserting
 9 “Director of the United States Institute for Edu-
 10 cation Sciences”; and

11 (B) in subsection (b)(2)(B), by striking
 12 “research institutes of the Office of Educational
 13 Research and Improvement” and inserting
 14 “National Education Centers of the United
 15 States Institute for Education Sciences”.

16 (8) Sections 5615(d)(1) and 7131(c)(1) (20
 17 U.S.C. 7283d(d)(1), 7451(c)(1)) are each amended by
 18 striking “by the Office” and inserting “by the Insti-
 19 tute”.

20 (9) Section 9529(b) is amended by striking
 21 “section 404(a)(6) of the National Education Statis-
 22 tics Act of 1994” and inserting “section 143(a)(5) of
 23 the Education Sciences Reform Act of 2002”.

24 (e) SCHOOL-TO-WORK OPPORTUNITIES ACT OF
 25 1994.—Section 404 of the School-to-Work Opportunities

1 *Act of 1994 (20 U.S.C. 6194) is amended by inserting “(as*
2 *such Act existed on the day before the date of enactment*
3 *of the Education Sciences Reform Act of 2002)” after “Act*
4 *of 1994”.*

5 **SEC. 405. EFFECTIVE DATE.**

6 *This Act and the amendments made by this Act shall*
7 *be effective as if enacted on October 1, 2002.*

8 **SEC. 406. ORDERLY TRANSITION.**

9 *The Secretary of Education shall take such steps as*
10 *are necessary to provide for the orderly transition to, and*
11 *implementation of, the offices, boards, committees, and cen-*
12 *ters (and their various functions and responsibilities) estab-*
13 *lished or authorized by this Act, and by the amendments*
14 *made by this Act, from those established or authorized by*
15 *the Educational Research, Development, Dissemination,*
16 *and Improvement Act of 1994 (20 U.S.C. 6001 et seq.) and*
17 *the National Education Statistics Act of 1994 (20 U.S.C.*
18 *9001 et seq.).*

Calendar No. 750

107TH CONGRESS
2^D SESSION

S. 2969

[Report No. 107-337]

A BILL

To provide for improvement of Federal education
research, statistics, evaluation, information, and
dissemination, and for other purposes.

NOVEMBER 12, 2002

Reported with an amendment